

EXHIBIT 1

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 - - - - -x

4 KRISTINA MIKHAYLOVA,

5 Plaintiff,

6 -against- Civil Action No.:

7 1:19-cv-08927-GDB

8
9 BLOOMINGDALE'S, INC.,
10 BLOOMINGDALE'S, INC. d/b/a
11 BLOOMINGDALE'S AND FORTY
12 CARROTS, BLOOMINGDALE'S, LLC,
13 BLOOMINGDALE'S, LLC d/b/a
14 BLOOMINGDALE'S NEW YORK,
15 MACY'S, INC., MACY'S, INC. d/b/a
16 MACY'S OF NEW YORK, UNITED
17 STOREWORKERS RETAIL,
18 WHOLESALE AND DEPARTMENT
19 STORE UNION AFL-CIO LOCAL 3 a/k/a
20 LOCAL 3 UNITED STOREWORKERS
21 RWDSU/UFCW, DENNIS DIAZ,
22 Individually, CHRISTOPHER
23 CASTELLANI, individually, RICHARD
24 LAW, individually, and BOBBY BOOKER,
25 individually

Defendants.

26 - - - - -x

27 Zoom Video Conference
28 DEPOSITION of KRISTINA MIKHAYLOVA
29 March 8, 2022
30 10:25 a.m.

March 8, 2022

<p>1 DEPOSITION of KRISTINA MIKHAYLOVA, the 2 Plaintiff in the above-entitled action, 3 held via Zoom Video Conference, taken 4 before Dikila T. Bhutia, a Shorthand 5 Reporter and Notary Public of the State of 6 New York, pursuant to the Federal Rules of 7 Civil Procedure, order and stipulations 8 between Counsel. 9 10 * * * 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: right;">Page 2</p>	<p>1 A P P E A R A N C E S 2 3 DEREK SMITH LAW GROUP, PLLC 4 Attorneys for the Plaintiff 5 1 Pennsylvania Plaza, Suite 4905 6 New York, New York 10119 7 8 BY: MELISSA MENDOZA, ESQ. 9 10 11 SCHOEMAN UPDIKE KAUFMAN & GERBER 12 Attorneys for the Defendants 13 551 Fifth Avenue, 12th Floor 14 New York, NY 10017 15 BY: STEVEN GERBER, ESQ. 16 17 18 MACY'S, INC. LAW DEPARTMENT 19 Attorneys for the Defendants 20 MACY'S INC., BLOOMINGDALE'S, LLC AND 21 CHRISTOPHER CASTELLANI 22 11477 Olde Cabin Rd., Suite 400 23 Creve Coeur, Missouri 63141 24 25 BY: BETTY TIERNEY, ESQ. 26 27 28 ALSO PRESENT: David Tyndall - 29 Paralegal for Macy's 30 31 32 33 34 35</p> <p style="text-align: right;">Page 4</p>
<p>1 STIPULATIONS 2 3 IT IS HEREBY STIPULATED AND AGREED, by 4 and among counsel for the respective 5 parties hereto, that the filing, sealing 6 and certification of the within deposition 7 shall be and the same are hereby waived; 8 IT IS FURTHER STIPULATED AND AGREED 9 that all objections, except as to form of 10 the question, shall be reserved to the 11 time of the trial; 12 IT IS FURTHER STIPULATED AND AGREED 13 that the within deposition may be signed 14 before any Notary Public with the same 15 force and effect as if signed and sworn to 16 before the Court. 17 * * * 18 19 20 21 22 23 24 25</p> <p style="text-align: right;">Page 3</p>	<p>1 KRISTINA MIKHAYLOVA, the 2 Witness herein, having first been duly 3 sworn by the Notary Public, was examined 4 and testified as follows: 5 BY 6 THE COURT REPORTER: 7 Q. Please state your name for the 8 record. 9 A. Kristina Mikhaylova. 10 Q. Please state your address for 11 the record. 12 A. 7330 198 Street, apartment 1, 13 Fresh Meadows, New York 11366. 14 EXAMINATION BY 15 MS. TIERNEY: 16 Q. Good morning, Ms. Mikhaylova. I 17 think you were being sworn in by the court 18 reporter. I missed the rest of that. 19 Are you alone in the home? 20 First of all, where are you having the 21 deposition taken? 22 A. In my home. 23 Q. Are you alone? 24 A. I am alone, my kids are in 25 school.</p> <p style="text-align: right;">Page 5</p>

2 (Pages 2 - 5)

<p>1 K. MIKHAYLOVA</p> <p>2 Q. And are there any papers around</p> <p>3 you?</p> <p>4 A. No. No, I can show you guys.</p> <p>5 Q. Thank you.</p> <p>6 A. Okay.</p> <p>7 Q. Ms. Mikhaylova, my name is Betty</p> <p>8 Tierney. I am actually an employee of</p> <p>9 Macy's and Bloomingdale's. I am inhouse</p> <p>10 counsel and I have been admitted to this</p> <p>11 case specifically by the court.</p> <p>12 Mr. Gerber is my co-counsel and David</p> <p>13 Tyndall is one of our paralegals. We are</p> <p>14 the team that is defending this case and</p> <p>15 I will be the one asking you questions</p> <p>16 today.</p> <p>17 A. Okay.</p> <p>18 Q. I am not trying to ask tricky</p> <p>19 questions but as a lawyer, sometimes I</p> <p>20 think I am smarter than I am and I ask</p> <p>21 questions that may not make a lot of</p> <p>22 sense. So, if I ask you something that</p> <p>23 doesn't make sense, I would ask that you</p> <p>24 let me know that. Can we agree that you</p> <p>25 will do that?</p> <p>Page 6</p>	<p>1 K. MIKHAYLOVA</p> <p>2 that's what the answer is going to be,</p> <p>3 tell me I can't answer that without</p> <p>4 talking to counsel. We can take a break</p> <p>5 and you can talk to your attorney but just</p> <p>6 know that that's not something I am trying</p> <p>7 to get.</p> <p>8 A. Okay. I am allowed to speak --</p> <p>9 I am allowed to ask my attorney or speak</p> <p>10 with her?</p> <p>11 Q. If you need to take a break and</p> <p>12 you need to get clarification, you can't</p> <p>13 talk about the substance of the case</p> <p>14 during the deposition --</p> <p>15 A. Okay. Got it.</p> <p>16 Q. And if you need to take a break,</p> <p>17 we would ask that you answer any pending</p> <p>18 question and then you take a break. Okay?</p> <p>19 A. Okay.</p> <p>20 Q. With respect to the deposition</p> <p>21 today, I am entitled to know your best</p> <p>22 recollection. I know its been five years</p> <p>23 since a lot of these events.</p> <p>24 A. Yes.</p> <p>25 Q. And so I don't want you to guess</p> <p>Page 8</p>
<p>1 K. MIKHAYLOVA</p> <p>2 A. Okay.</p> <p>3 Q. And if you answer the question,</p> <p>4 I will argue to the court that you</p> <p>5 understood it since you did not tell me</p> <p>6 that you did not understand it. Do you</p> <p>7 understand that as well?</p> <p>8 A. Yes, I understand.</p> <p>9 Q. Ms. Mikhaylova, have you ever</p> <p>10 been deposed before?</p> <p>11 A. No.</p> <p>12 Q. I don't want to know any</p> <p>13 content of conversation with your</p> <p>14 attorney, but did you get a chance to meet</p> <p>15 with your attorney to prepare for this</p> <p>16 deposition?</p> <p>17 A. Yes. I had a small chance.</p> <p>18 Yes, we did speak.</p> <p>19 Q. If I ask you a question and you</p> <p>20 think it is trying to get into</p> <p>21 conversations with your attorney, let me</p> <p>22 just tell you now, I am not trying to get</p> <p>23 into anything you said to your attorney.</p> <p>24 I am not entitled to know that nor am I</p> <p>25 trying to get that. So if you think</p> <p>Page 7</p>	<p>1 K. MIKHAYLOVA</p> <p>2 or speculate but I do want you to give me,</p> <p>3 if you have a basis for estimating, I want</p> <p>4 you to do that because I want to get your</p> <p>5 best testimony today.</p> <p>6 A. Got it. Will do.</p> <p>7 Q. At the end of the deposition,</p> <p>8 the court reporter who is taking down</p> <p>9 everything that is being said today, my</p> <p>10 questions, your answers, any objections by</p> <p>11 your counsel, she is going to put it into</p> <p>12 a book and you will have a chance to</p> <p>13 review it.</p> <p>14 A. Okay.</p> <p>15 Q. And you understand what you are</p> <p>16 saying today is under oath?</p> <p>17 A. Yes.</p> <p>18 Q. With the penalty of perjury?</p> <p>19 A. Absolutely.</p> <p>20 Q. Very good.</p> <p>21 Ms. Mikhaylova, my records show</p> <p>22 you started working for Bloomingdale's</p> <p>23 somewhere around April 30th of 2016; is</p> <p>24 that correct?</p> <p>25 A. Yes. That seems about accurate.</p> <p>Page 9</p>

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<p>1 K. MIKHAYLOVA</p> <p>2 Q. How did you come to work at</p> <p>3 Bloomingdale's?</p> <p>4 A. I saw an ad on Linkedin for a</p> <p>5 Chanel Handbag Department. I was at</p> <p>6 Prada. At that time my store was closing.</p> <p>7 They were sending me to another location</p> <p>8 but I wanted to see my options. So I sent</p> <p>9 in my résumé. I got a call back very</p> <p>10 quickly from Cathy Younis. I got an</p> <p>11 interview. She really liked me</p> <p>12 immediately and offered me the job I</p> <p>13 believe the next day.</p> <p>14 Q. Now, can I ask you how old you</p> <p>15 are currently, Ms. Mikhaylova?</p> <p>16 A. I am currently thirty-five years</p> <p>17 old.</p> <p>18 Q. Do you have a degree or a</p> <p>19 diploma?</p> <p>20 A. Yes.</p> <p>21 Q. Do you have a college degree?</p> <p>22 A. I did not finish college. I</p> <p>23 went to Queens College to become a teacher</p> <p>24 and never finished it.</p> <p>25 Q. How much college do you have,</p> <p style="text-align: right;">Page 10</p>	<p>1 K. MIKHAYLOVA</p> <p>2 I can confirm the spelling of her last</p> <p>3 name.</p> <p>4 Q. After you left Bebe, where did</p> <p>5 you go if anywhere?</p> <p>6 A. I went to a store called Lounge.</p> <p>7 It was in Soho. It was a trending up and</p> <p>8 coming store that sold lot of designer</p> <p>9 wear for both men and woman. It was down</p> <p>10 in Soho. I believe the address is 305</p> <p>11 Broadway but I could be mistaken. It was</p> <p>12 so many years ago.</p> <p>13 Q. Do you know if the Lounge is</p> <p>14 still around?</p> <p>15 A. It is not. They opened a few</p> <p>16 other stores after that store closed down</p> <p>17 but they are not around.</p> <p>18 Q. How long did you work at the</p> <p>19 Lounge?</p> <p>20 A. I worked there for about a year</p> <p>21 and a half.</p> <p>22 Q. Why did you leave the Lounge?</p> <p>23 A. Well, I left because they -- I</p> <p>24 wanted to go into sales. I was doing kind</p> <p>25 of a supervisor there. I wanted to just</p> <p style="text-align: right;">Page 12</p>
<p>1 K. MIKHAYLOVA</p> <p>2 Ms. Mikhaylova?</p> <p>3 A. Two and a half years.</p> <p>4 Q. Did you have any other college</p> <p>5 education after Queens College?</p> <p>6 A. No, I did not.</p> <p>7 Q. Have you taken any type of</p> <p>8 merchandising or any type of course work</p> <p>9 related to marketing, sales, anything of</p> <p>10 that nature?</p> <p>11 A. No, I did not.</p> <p>12 Q. After college what was your</p> <p>13 first full-time employment?</p> <p>14 A. I actually worked for Bebe. I</p> <p>15 was eighteen years old. It was a store on</p> <p>16 53 Street and Fifth Avenue.</p> <p>17 Q. What was your role at Bebe?</p> <p>18 A. Sales.</p> <p>19 Q. How long were you at Bebe?</p> <p>20 A. I was at Bebe for almost two</p> <p>21 years.</p> <p>22 Q. Do you remember who your</p> <p>23 supervisor was at Bebe?</p> <p>24 A. Yes. Lana Stimlar; L-A-N-A,</p> <p>25 S-T-I-M-L-A-R. I have her on my Facebook.</p> <p style="text-align: right;">Page 11</p>	<p>1 K. MIKHAYLOVA</p> <p>2 do sales to get commission. It was taking</p> <p>3 too long to transition and I got recruited</p> <p>4 by another company called Blanc De Chine</p> <p>5 on Fifth Avenue and they offered me a much</p> <p>6 better salary and commission so I went</p> <p>7 from Lounge to Blanc De Chine.</p> <p>8 Q. How do you spell that if you</p> <p>9 would?</p> <p>10 A. B-L-A-N-C D-E C-H-I-N-E. It is</p> <p>11 a luxury brand based out of Hong Kong.</p> <p>12 They have their own store in the US.</p> <p>13 Q. The one you were in was the only</p> <p>14 store in the US?</p> <p>15 A. It was the only store in the US,</p> <p>16 yes.</p> <p>17 Q. What was your role at that</p> <p>18 location?</p> <p>19 A. Sales.</p> <p>20 Q. How long were you there?</p> <p>21 A. I was there for a little over</p> <p>22 two years.</p> <p>23 Q. Why did you leave that --</p> <p>24 A. I left there because I got</p> <p>25 recruited from a client. She was a good</p> <p style="text-align: right;">Page 13</p>

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<p>1 K. MIKHAYLOVA</p> <p>2 client. She was a Saudi princess. I was</p> <p>3 doing shopping with her on the side. I</p> <p>4 went to the Giorgio Armani store that had</p> <p>5 just recently opened on Fifth Avenue. And</p> <p>6 the -- I was shopping with her and the</p> <p>7 manager there loved me and offered me a</p> <p>8 job and put me in their women's</p> <p>9 Ready-to-Wear Department. From there I</p> <p>10 worked in Armani.</p> <p>11 Q. How long were you there?</p> <p>12 A. I was there for -- I want to</p> <p>13 guess about almost two years if I'm not</p> <p>14 mistaken.</p> <p>15 Q. Who was your supervisor there?</p> <p>16 A. Jamie Moy. J-A-I-M-E. M-O-Y is</p> <p>17 the last name.</p> <p>18 Q. And then why did you leave --</p> <p>19 did you say Armani?</p> <p>20 A. Yes.</p> <p>21 Q. Why did you leave?</p> <p>22 A. I left Armani because I went to</p> <p>23 -- one of my associates had went to Prada</p> <p>24 and she had recruited me to go to Prada</p> <p>25 and Prada offered me a better pay so I</p> <p style="text-align: right;">Page 14</p>	<p>1 K. MIKHAYLOVA</p> <p>2 for the job.</p> <p>3 Q. Were you looking to leave Prada</p> <p>4 at that time?</p> <p>5 A. I wasn't looking. My store was</p> <p>6 closing down. They wanted me to go to</p> <p>7 Fifth Avenue and I was okay with that.</p> <p>8 But I mean, I love Chanel. I love Chanel</p> <p>9 as a brand. It is my favorite brand. So</p> <p>10 I definitely, I got very excited. And I</p> <p>11 said you know what, let me give it a</p> <p>12 chance and see what happens and I applied.</p> <p>13 Q. And you were there for</p> <p>14 Bloomingdale's?</p> <p>15 A. Yes, correct.</p> <p>16 Q. And were you a sales associate</p> <p>17 in handbag, Chanel Handbag Department?</p> <p>18 A. Yes.</p> <p>19 Q. Have you found employment since</p> <p>20 leaving Bloomingdale's?</p> <p>21 A. Yes.</p> <p>22 Q. What was the first position you</p> <p>23 took after leaving Bloomingdale's?</p> <p>24 A. Louis Vuitton.</p> <p>25 Q. What location?</p> <p style="text-align: right;">Page 16</p>
<p>1 K. MIKHAYLOVA</p> <p>2 went to Prada. At that point, at that</p> <p>3 time Prada was a better brand selling more</p> <p>4 than Armani so I made that decision to go</p> <p>5 to Prada.</p> <p>6 Q. Who was your supervisor in</p> <p>7 Prada?</p> <p>8 A. Davade, D-A-V-A-D-E. His last</p> <p>9 name start with S. It is a long Italian</p> <p>10 last name. I can look at my Facebook. Do</p> <p>11 you do need it?</p> <p>12 Q. No, that's fine.</p> <p>13 A. Okay.</p> <p>14 Q. What was your role at Prada?</p> <p>15 A. Also sales.</p> <p>16 Q. How long were you in Prada?</p> <p>17 A. I was there for a little over</p> <p>18 two years.</p> <p>19 Q. And I think you said you left</p> <p>20 Prada to go to Bloomingdale's?</p> <p>21 A. That's correct. Then I went to</p> <p>22 Bloomingdale's.</p> <p>23 Q. And that's because you saw an</p> <p>24 advertisement in LinkedIn?</p> <p>25 A. Yes. I applied through LinkedIn</p> <p style="text-align: right;">Page 15</p>	<p>1 K. MIKHAYLOVA</p> <p>2 A. Fifth Avenue.</p> <p>3 Q. Did you make more money working</p> <p>4 at Louis Vuitton?</p> <p>5 A. No, absolutely not. I made less</p> <p>6 money.</p> <p>7 Q. At Chanel how were you paid</p> <p>8 commission?</p> <p>9 A. I was paid commission verses</p> <p>10 draw.</p> <p>11 Q. What was your -- you were there</p> <p>12 only a year. We have your records.</p> <p>13 A. I honestly don't remember the</p> <p>14 draw I was up against. It was -- I don't</p> <p>15 remember.</p> <p>16 Q. How were you compensated at</p> <p>17 Louis Vuitton?</p> <p>18 A. I was paid 32 an hour, plus 1</p> <p>19 percent commission.</p> <p>20 Q. Was Louis Vuitton handbags as</p> <p>21 well, was it other items, or what was it?</p> <p>22 A. I wasn't in Ready-to-Wear. I</p> <p>23 was able to sell handbags but I was in</p> <p>24 Ready-to-Wear shoes.</p> <p>25 Q. Did you stay in Ready-to-Wear</p> <p style="text-align: right;">Page 17</p>

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<p>1 K. MIKHAYLOVA</p> <p>2 shoes during your time at Louis Vuitton?</p> <p>3 A. Yes.</p> <p>4 Q. How long were you with Louis</p> <p>5 Vuitton?</p> <p>6 A. Very short. I was with them</p> <p>7 under ninety days.</p> <p>8 Q. Why did you leave Louis Vuitton?</p> <p>9 A. Because my old friend who put me</p> <p>10 to Chanel at Saks and I wanted to go back</p> <p>11 to Chanel so I --</p> <p>12 Q. I apologize. I did not mean to</p> <p>13 interrupt.</p> <p>14 Who was your friend that</p> <p>15 recruited you back to Chanel at Saks?</p> <p>16 A. She actually used to work at</p> <p>17 Bloomingdale's as well. Her name is</p> <p>18 Thinny; T-H-I-N-N-Y. I don't remember her</p> <p>19 last name. She said there was an open</p> <p>20 position. She worked with me in</p> <p>21 Bloomingdale's in the Ready-to-Wear</p> <p>22 department. She was in Ready-to-Wear and</p> <p>23 I was in clothing. I mean, I was in</p> <p>24 handbag. Pardon me. She said listen,</p> <p>25 there is a position at Saks for Chanel</p> <p style="text-align: right;">Page 18</p>	<p>1 K. MIKHAYLOVA</p> <p>2 Q. During the six or seven month</p> <p>3 period of time, eight months give or take,</p> <p>4 how many places did you apply?</p> <p>5 A. I have only applied to two</p> <p>6 places. I was -- at that point I was very</p> <p>7 pregnant.</p> <p>8 Q. So two places you applied were</p> <p>9 Saks and where else?</p> <p>10 A. I believe it was Valentino.</p> <p>11 Q. Neither place hired you; is that</p> <p>12 correct?</p> <p>13 A. Correct.</p> <p>14 Q. And other than those two places</p> <p>15 during the eight month period of time you</p> <p>16 did not apply to any other, and you said</p> <p>17 part of the reason was you were pregnant?</p> <p>18 A. Yes, super pregnant. If</p> <p>19 somebody is going to see a pregnant woman,</p> <p>20 it was -- if I wanted a good job to stay</p> <p>21 there, they weren't going to hire me. And</p> <p>22 I didn't want to go from Chanel to</p> <p>23 something, you know, because -- just</p> <p>24 because -- I mean, I still tried to apply</p> <p>25 but I think once they saw I was pregnant,</p> <p style="text-align: right;">Page 20</p>
<p>1 K. MIKHAYLOVA</p> <p>2 handbags, I think it would be great. I</p> <p>3 applied for it immediately. I was super</p> <p>4 happy to see that because again, I love</p> <p>5 Chanel and I decided to go to Saks.</p> <p>6 Q. Now, how soon after leaving</p> <p>7 Bloomingdale's did you start working at</p> <p>8 Louis Vuitton?</p> <p>9 A. So I left Bloomingdale's June of</p> <p>10 2017. I started working in Louis Vuitton</p> <p>11 I believe in January or February of 2018.</p> <p>12 Q. For that six or seven months you</p> <p>13 were unemployed, were you looking for</p> <p>14 work?</p> <p>15 A. Yes, I was.</p> <p>16 Q. And do you have your résumé and</p> <p>17 applications, copies of those that you can</p> <p>18 provide?</p> <p>19 A. Most places you don't have an</p> <p>20 application. I do -- I actually, I might</p> <p>21 have an e-mail that I interviewed</p> <p>22 actually, at Saks at that time. I believe</p> <p>23 it was Saks that I sent out my résumé to.</p> <p>24 I probably will be able to pull that out</p> <p>25 -- at that time.</p> <p style="text-align: right;">Page 19</p>	<p>1 K. MIKHAYLOVA</p> <p>2 it was a done deal. I was six months at</p> <p>3 that time and I was late six months</p> <p>4 pregnant woman.</p> <p>5 Q. When you applied at Saks or</p> <p>6 Valentino, were you either of those</p> <p>7 applications in person?</p> <p>8 A. No, they were both -- both of</p> <p>9 them were e-mails I believe. Valentino</p> <p>10 might have been in-person actually. But I</p> <p>11 know Saks for sure it was through e-mail.</p> <p>12 Q. Do you know if anyone at Saks</p> <p>13 knew you were pregnant at that time?</p> <p>14 A. I mean, they didn't know but I</p> <p>15 was visibly pregnant. I mean, you know,</p> <p>16 I'm not a small girl. You could see I had</p> <p>17 a belly.</p> <p>18 Q. You said you applied through</p> <p>19 e-mail. Did you have an in-person</p> <p>20 interview where someone could see that you</p> <p>21 were pregnant at Saks?</p> <p>22 A. I do not recall if I had an</p> <p>23 in-person interview. I know I sent in my</p> <p>24 résumé. I was talking to somebody there.</p> <p>25 I cannot recall if I actually went to an</p> <p style="text-align: right;">Page 21</p>

1 K. MIKHAYLOVA
2 interview or I did not.
3 Q. So you think you might have had
4 an in-person interview at Valentino?
5 A. Well, Valentino I went in person
6 and I gave them my résumé.
7 Q. Just to make sure the record is
8 clear and that we are accurate, other than
9 the two applications from the time you
10 left Bloomingdale's until January or
11 February of that year when you started at
12 Louis Vuitton, the only application you
13 put for work were Saks and Louis Vuitton?
14 A. Yes.
15 Q. At Louis Vuitton, was it forty
16 hours a week or less?
17 A. It was forty.
18 Q. When did you start Chanel at
19 Saks?
20 A. Immediately after. So, if I
21 left there in March, I started the next
22 day. I might have been there April 1st.
23 I don't recall the exact state but it was
24 immediately after.
25 Q. April 1st of 2018 is your best

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1 K. MIKHAYLOVA
2 of your recollection of when you went?
3 A. Yes.
4 Q. Were you selling the same
5 product that you had been selling at
6 Bloomingdale's?
7 A. Yes, I was.
8 Q. Was your compensation similar or
9 more?
10 A. It was similar. It was the
11 same, commission verses draw.
12 Q. Were you eligible for any
13 bonuses or any other type of compensation
14 at Saks?
15 A. If you hit a million, you do get
16 a bonus.
17 Q. Do you know if there was
18 anything like that at Bloomingdale's?
19 A. I do not believe so.
20 Q. Have you ever hit the million?
21 A. Yes, in my first six months.
22 Q. And have you hit the million
23 since then?
24 A. Yes.
25 Q. How many times?

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1 K. MIKHAYLOVA
2 A. I'm sorry?
3 Q. How many times?
4 A. Well, I hit it that year, I hit
5 the next year as well.
6 Q. You hit --
7 A. I worked for Saks, just so you
8 know, for Chanel. It converted into
9 Chanel then. So, it went leased. So, the
10 pay structure was already different once
11 it went leased.
12 Q. You are talking about Saks?
13 A. Yes.
14 Q. When you started at Saks it was
15 a similar pay structure to what you had at
16 Bloomingdale's, you got a commission on
17 your Chanel products?
18 A. Correct.
19 Q. It was mostly handbags or was it
20 all handbags?
21 A. It was all handbags pretty much.
22 Q. At that point in time if you hit
23 a million dollars in sales you get a bonus
24 from Saks?
25 A. Correct.

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1 K. MIKHAYLOVA
2 Q. What was the bonus? How was
3 that structured?
4 A. For every million you get --
5 when you hit a million you get 1,200.
6 When you hit 1.1 million you get -- no,
7 I'm sorry. If you hit a million you get a
8 thousand. When you hit 1.1 million you
9 get 1,200. 1.3, 1,300. It was similar
10 along those lines. Basically, after that
11 every 100,000 you made, you made I believe
12 a 1,000, 1,100, 1,200, 1,300, and so
13 forth. Then you get 2,100, 2,200.
14 Q. I think you said you hit the
15 million in 2019 as well?
16 A. Correct. It was already in a
17 Chanel structure where I didn't get that
18 bonus.
19 Q. Even though you hit at 2019,
20 that was a new structure. What was the
21 structure under Chanel?
22 A. It was hourly which is \$25 an
23 hour and 3 percent commission.
24 Q. I'm sorry. You said \$25 an hour
25 plus 3 percent commission?

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<p>1 K. MIKHAYLOVA</p> <p>2 A. Correct.</p> <p>3 Q. Now, I know there was a similar</p> <p>4 issue at Bloomingdale's where it went to a</p> <p>5 licensed department; is that correct?</p> <p>6 A. Yes.</p> <p>7 Q. Did your pay structure change at</p> <p>8 Bloomingdale's when that transition</p> <p>9 occurred?</p> <p>10 A. I wasn't there for that</p> <p>11 transition.</p> <p>12 Q. You were there before that</p> <p>13 occurred?</p> <p>14 A. Correct.</p> <p>15 Q. Are you still at Saks?</p> <p>16 A. I am currently at Dior.</p> <p>17 Q. How long did you stay at Saks</p> <p>18 Chanel?</p> <p>19 A. Till December 2020.</p> <p>20 Q. Why did you leave that position?</p> <p>21 A. Well, it was personal reasons.</p> <p>22 I went to Neiman Marcus and I was able to</p> <p>23 sell Chanel through there getting 7</p> <p>24 percent commission.</p> <p>25 Q. Was it solely based on pay?</p> <p>Page 26</p>	<p>1 K. MIKHAYLOVA</p> <p>2 Q. What does that mean?</p> <p>3 A. It was the hours. I was too</p> <p>4 stressed out there and I -- I couldn't</p> <p>5 manage my children.</p> <p>6 Q. What was it about the position</p> <p>7 that was stressing you out?</p> <p>8 A. Everything, because Chanel has</p> <p>9 -- because everything had to go through</p> <p>10 like layer to get stuff approved. Getting</p> <p>11 a handbag was very hard because it was a</p> <p>12 huge list. I was battling with twenty</p> <p>13 other associates. You had to fight for</p> <p>14 every bag to get. It was stressful.</p> <p>15 Q. When you say to get every bag,</p> <p>16 do you mean to get them to sell or to get</p> <p>17 the customers to sell?</p> <p>18 A. No. I had all the customers to</p> <p>19 sell. It was hard to get the bags because</p> <p>20 it was a lot of people you were working</p> <p>21 against. You were working against a big</p> <p>22 team.</p> <p>23 Q. Neiman Marcus goes to</p> <p>24 bankruptcy. Where do you go next, if any</p> <p>25 place?</p> <p>Page 28</p>
<p>1 K. MIKHAYLOVA</p> <p>2 A. There were some other reasons</p> <p>3 but it was more personal for me. I wanted</p> <p>4 to go to a new environment. Neiman Marcus</p> <p>5 had just opened in Hudson Yards. The</p> <p>6 manager at -- that was -- the manager at</p> <p>7 Saks, he went to Neiman Marcus. He was</p> <p>8 recruiting me for months to go there and I</p> <p>9 was like, I think it is a better</p> <p>10 opportunity. I wanted to go to Neiman</p> <p>11 Marcus. Unfortunately, Neiman Marcus was</p> <p>12 short lived because once COVID hit, they</p> <p>13 announced bankruptcy and they closed down.</p> <p>14 Sad enough.</p> <p>15 Q. When you say personal reasons,</p> <p>16 was there something other than location?</p> <p>17 A. Elaborate on the location part.</p> <p>18 Q. You just said --</p> <p>19 A. I left for personal reasons. I</p> <p>20 wasn't too happy there so I wanted to go</p> <p>21 somewhere else.</p> <p>22 Q. I am asking you what it was that</p> <p>23 you were unhappy about at Chanel Saks?</p> <p>24 A. Just personal reasons. It</p> <p>25 wasn't --</p> <p>Page 27</p>	<p>1 K. MIKHAYLOVA</p> <p>2 A. Dior.</p> <p>3 Q. I'm sorry?</p> <p>4 A. Dior, Hudson Yards.</p> <p>5 Q. You are still at Dior?</p> <p>6 A. I am still at Dior.</p> <p>7 Q. What is the pay scale or method</p> <p>8 of payment at Dior?</p> <p>9 A. \$23 an hour and 3 percent</p> <p>10 commission.</p> <p>11 Q. When you are talking about the</p> <p>12 stress at Saks, I know that there is some</p> <p>13 medical records that you began taking</p> <p>14 antidepressant?</p> <p>15 A. Yes.</p> <p>16 Q. During the time you were at</p> <p>17 Saks?</p> <p>18 A. Yes, correct.</p> <p>19 Q. Was it because of the stress at</p> <p>20 Saks?</p> <p>21 A. Yes. Well, Saks. Then it</p> <p>22 reminded me about Bloomingdale's. It just</p> <p>23 brought about the Chanel work ethics. It</p> <p>24 was very stressful for me. I felt like it</p> <p>25 was time -- I couldn't handle it.</p> <p>Page 29</p>

<p>1 K. MIKHAYLOVA</p> <p>2 Q. Let me ask again.</p> <p>3 When you began taking your</p> <p>4 antidepressant it was in November of 2019;</p> <p>5 is that correct?</p> <p>6 A. I believe so.</p> <p>7 Q. You went there because of stress</p> <p>8 associated with Saks?</p> <p>9 A. Not Saks. Chanel.</p> <p>10 Q. I'm sorry, Chanel. You went to</p> <p>11 see the doctor because of the stress</p> <p>12 associated with Chanel?</p> <p>13 A. With Chanel and the stress, it</p> <p>14 reminded me of the stress that I had at</p> <p>15 Bloomingdale's with getting the handbags.</p> <p>16 You have to always fight for every handbag</p> <p>17 because the assortment is very small. It</p> <p>18 was just a very stressful environment to</p> <p>19 be in.</p> <p>20 Q. Let me jump back to the time you</p> <p>21 were at Bloomingdale's and selling Chanel</p> <p>22 handbags. Did you have the same issue</p> <p>23 with getting bags to sell?</p> <p>24 A. Absolutely.</p> <p>25 Q. That's why there were limits on</p> <p>Page 30</p>	<p>1 K. MIKHAYLOVA</p> <p>2 Handbags Department, correct?</p> <p>3 A. Correct.</p> <p>4 Q. And you --</p> <p>5 A. But --</p> <p>6 Q. I know you have your own story,</p> <p>7 Ms. Mikhaylova, but if we are going to get</p> <p>8 done in seven hours you need to answer my</p> <p>9 questions. If your counsel is suggesting</p> <p>10 something else, she can do that.</p> <p>11 A. Okay.</p> <p>12 Q. At the time you went to get on</p> <p>13 your antidepressant you had been gone from</p> <p>14 Bloomingdale's from over two and a half</p> <p>15 years, correct?</p> <p>16 A. Correct.</p> <p>17 Q. Are you still on your</p> <p>18 antidepressant, Lexapro?</p> <p>19 A. No, I am not.</p> <p>20 Q. How long were you on Lexapro?</p> <p>21 A. About two -- about three months</p> <p>22 months.</p> <p>23 Q. And then I know also from your</p> <p>24 medical records which we will look at</p> <p>25 shortly that there was a referral, at</p> <p>Page 32</p>
<p>1 K. MIKHAYLOVA</p> <p>2 how many bags you could buy personally</p> <p>3 because they wanted access for the</p> <p>4 customers, correct?</p> <p>5 A. Correct. However, at</p> <p>6 Bloomingdale's, mostly the bags associates</p> <p>7 were purchasing. If you look back in the</p> <p>8 records in Bloomingdale's you will see,</p> <p>9 not me but other associates, every time</p> <p>10 there was a release on a bag, it was only</p> <p>11 purchased by associates and not by</p> <p>12 customers.</p> <p>13 Q. Do you have any documentation</p> <p>14 that would show that?</p> <p>15 A. I don't, but I'm sure you guys</p> <p>16 can pull it up on your end.</p> <p>17 Q. That's just your understanding.</p> <p>18 You don't have any documents that show</p> <p>19 that?</p> <p>20 A. I can provide documents to show</p> <p>21 that other associates because I was</p> <p>22 selling to associates as well.</p> <p>23 Q. Right. And we will get to that</p> <p>24 because at the time there was a</p> <p>25 significant fraud going on in the Chanel</p> <p>Page 31</p>	<p>1 K. MIKHAYLOVA</p> <p>2 least a recommendation that you see a</p> <p>3 psychiatrist or that you had asked about</p> <p>4 seeing a therapist of some sort; is that</p> <p>5 correct?</p> <p>6 A. Yes.</p> <p>7 Q. What was it? Did you ask or</p> <p>8 were you recommended?</p> <p>9 A. Both. I asked and I was</p> <p>10 recommended.</p> <p>11 Q. Did you ever see a psychiatrist</p> <p>12 or mental health therapist?</p> <p>13 A. No. I wanted to but the</p> <p>14 appointments, we couldn't get one and</p> <p>15 COVID hit and it became an issue.</p> <p>16 Q. Do you have any intent to go see</p> <p>17 now that COVID is ending to see a mental</p> <p>18 health professional; psychiatrist,</p> <p>19 therapist, et cetera?</p> <p>20 A. I do.</p> <p>21 Q. Are you currently on insurance</p> <p>22 through Dior that would allow you that</p> <p>23 access to a mental health provider?</p> <p>24 A. Yes.</p> <p>25 Q. Have you done anything towards</p> <p>Page 33</p>

1 K. MIKHAYLOVA
2 trying to find a mental health
3 professional?
4 A. Yes.
5 Q. What have you done?
6 A. I have looked. I have called.
7 I am looking to go -- I have a lot going
8 on now. Right now I am in an okay stage
9 in my life where I don't feel like I need
10 one at the moment. I -- when I get there
11 and my anxiety goes up, I will start
12 looking again.
13 Q. Is there anything that you, and
14 I know you are not a medical provider and
15 I am not asking for a medical opinion, but
16 have you observed anything in particular
17 that causes what you just said your
18 anxiety? Is there any time that you
19 notice that that happens?
20 A. When I am stressed out.
21 Q. Is that work stress, child?
22 A. Combination.
23 Q. The general functions of life,
24 working, raising kids, all of that causes
25 stress for you?

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1 K. MIKHAYLOVA
2 A. Yes.
3 Q. You believe all of these
4 activities causes significant amount of
5 stress such as you want to see a mental
6 health provider?
7 A. Absolutely.
8 Q. But you are not -- strike that.
9 Why did you stop your Lexapro if
10 you were still having stress?
11 A. I don't want to be on any
12 medication.
13 Q. Is it fair to say that your
14 medical provider did not recommend you
15 getting off medication?
16 A. Yes. He didn't want me to get
17 off of it but I chose to get off of it.
18 Q. Other than that three month
19 period of time, have you ever been on any
20 type of psychotropic drug or drug for
21 mental health condition?
22 A. No.
23 Q. Are you on any other medications
24 for issues or ailments --
25 A. No.

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1 K. MIKHAYLOVA
2 Q. -- currently?
3 A. No.
4 Q. After you left Bloomingdale's
5 did you see a medical care provider for
6 any type of mental or physical ailment
7 related to what you have attributed to
8 Bloomingdale's conduct?
9 A. Just my doctor.
10 Q. When you say your doctor --
11 A. At that point I didn't have
12 insurance that would -- I believe I had
13 Medicaid but they didn't cover good
14 therapists so I didn't go to see a
15 psychiatrist at that time.
16 Q. You were on no medication for
17 psychological issues at that time?
18 A. I was pregnant, no.
19 Q. When was your child born in
20 2017?
21 A. November 23, 2017 on
22 Thanksgiving, he day before Black Friday.
23 Q. Did you have medical insurance
24 to cover for your job?
25 A. Yes, I did.

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1 K. MIKHAYLOVA
2 Q. Who was that insurance through?
3 A. Medicaid.
4 Q. Did you have insurance through
5 Bloomingdale's?
6 A. I don't remember.
7 Q. And I think you said after
8 Bloomingdale's you went to Bebe. No, I'm
9 sorry. You went to Louis Vuitton. You
10 were eventually there for ninety days.
11 Did you have any insurance at the time?
12 A. I don't believe so.
13 Q. How about Saks? Did you have
14 any insurance at Saks?
15 A. I believe so.
16 Q. Let me ask it this way.
17 Did you have access to insurance
18 at Saks?
19 A. Yes.
20 Q. Do you recall if you signed up
21 for the insurance at Saks?
22 A. I don't recall.
23 Q. And then when it became Chanel,
24 did your access to benefits change in any
25 way?

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<p>1 K. MIKHAYLOVA</p> <p>2 A. Yes, I had insurance at Chanel.</p> <p>3 Q. You participated in the</p> <p>4 insurance plan or program, whatever that</p> <p>5 required?</p> <p>6 A. Yes.</p> <p>7 Q. How about at Dior? Do you</p> <p>8 currently have medical insurance?</p> <p>9 A. I do.</p> <p>10 Q. You believe that allows you to</p> <p>11 have visits to a therapist or psychiatrist</p> <p>12 as needed?</p> <p>13 A. Yes.</p> <p>14 Q. When you started at</p> <p>15 Bloomingdale's, did you go through an</p> <p>16 orientation period?</p> <p>17 A. Yes.</p> <p>18 Q. My knowledge which maybe</p> <p>19 different than your experience is that</p> <p>20 that's a normal three day orientation</p> <p>21 period; is that correct?</p> <p>22 A. I don't recall.</p> <p>23 Q. You are not aware one way or the</p> <p>24 other?</p> <p>25 A. I'm sorry?</p> <p>Page 38</p>	<p>1 K. MIKHAYLOVA</p> <p>2 the Code of Conduct?</p> <p>3 A. I believe so.</p> <p>4 Q. Do you recall having to sign off</p> <p>5 on the Code of Conduct?</p> <p>6 A. It's been so long. I don't</p> <p>7 recall. I mean, I must have. I think I</p> <p>8 did, but I'm not a hundred percent sure.</p> <p>9 Q. For your orientation were you</p> <p>10 alerted to the policies and procedures you</p> <p>11 were required to follow as employee of</p> <p>12 Bloomingdale's?</p> <p>13 A. Correct.</p> <p>14 Q. You don't recall if you looked</p> <p>15 at the handbook and you looked at the</p> <p>16 policies within the handbook?</p> <p>17 A. No, no. I looked. You want me</p> <p>18 to know if I read through the whole</p> <p>19 handbook and that I don't recall.</p> <p>20 Q. You just made a distinction and</p> <p>21 I am going to follow up on that. You do</p> <p>22 recall getting the handbook, you just</p> <p>23 don't recall reading it?</p> <p>24 A. I recall seeing the handbook. I</p> <p>25 don't know if they gave me one in my</p> <p>Page 40</p>
<p>1 K. MIKHAYLOVA</p> <p>2 Q. You don't recall one way or the</p> <p>3 other?</p> <p>4 A. No, I don't recall how many days</p> <p>5 the orientation period was. I don't know</p> <p>6 if there was an orientation.</p> <p>7 Q. Do you remember learning that</p> <p>8 Bloomingdale's had a policy against</p> <p>9 discrimination and harassment during this</p> <p>10 orientation?</p> <p>11 A. I don't recall.</p> <p>12 Q. Did you ever know that</p> <p>13 Bloomingdale's had, I'm sorry, there is</p> <p>14 our fire siren on in the background. I</p> <p>15 apologize for that.</p> <p>16 Do you recall ever reviewing the</p> <p>17 Bloomingdale's handbook?</p> <p>18 A. Not all of it. I don't recall.</p> <p>19 Q. You were actually given a copy</p> <p>20 during the orientation, were you not?</p> <p>21 A. I do not recall.</p> <p>22 Q. You don't recall one way or the</p> <p>23 other?</p> <p>24 A. No.</p> <p>25 Q. Do you recall a document called</p> <p>Page 39</p>	<p>1 K. MIKHAYLOVA</p> <p>2 possession is what I am saying because I</p> <p>3 couldn't find one in my house. I don't</p> <p>4 remember taking one home. Do I remember</p> <p>5 seeing one, correct, but I don't recall</p> <p>6 them giving me one.</p> <p>7 Q. Code of Conduct, do you remember</p> <p>8 reading the Code of Conduct?</p> <p>9 A. No, I do not.</p> <p>10 Q. If there is documentation</p> <p>11 showing you you signed off on the Code of</p> <p>12 Conduct, would you have been truthful when</p> <p>13 you signed off saying that you have</p> <p>14 reviewed?</p> <p>15 A. I mean, yeah. If I reviewed it</p> <p>16 and if I signed off, that means I read it.</p> <p>17 Q. Now, during orientation there is</p> <p>18 a normally a period where asset protection</p> <p>19 or loss prevention comes in. It gives</p> <p>20 some direction on how to avoid fraud, hose</p> <p>21 kind of things. Do you remember sitting</p> <p>22 through that part of the orientation</p> <p>23 process?</p> <p>24 A. I remember.</p> <p>25 Q. I'm sorry?</p> <p>Page 41</p>

<p>1 K. MIKHAYLOVA</p> <p>2 A. I remember.</p> <p>3 Q. Do you recall anything that lost</p> <p>4 prevention or asset protection, I am going</p> <p>5 to call it asset protection because that's</p> <p>6 what we call it now but I want to make</p> <p>7 sure you understand what I am talking</p> <p>8 about.</p> <p>9 Do you recall anything asset</p> <p>10 pregnancy said about red flags for fraud?</p> <p>11 A. Yes, I did.</p> <p>12 Q. What did they say if you recall?</p> <p>13 A. They come in quickly to buy a</p> <p>14 handbag. They way they dress, to be</p> <p>15 alert. What else -- I don't recall. I</p> <p>16 can't think of anything else off the top</p> <p>17 of my head.</p> <p>18 Q. Did you understand from asset</p> <p>19 protection that Chanel handbags was a</p> <p>20 focus of fraud?</p> <p>21 A. Yes, I did.</p> <p>22 Q. Who in particular in asset</p> <p>23 protection do you recall speaking to the</p> <p>24 group? Do you remember anybody in</p> <p>25 particular?</p> <p style="text-align: right;">Page 42</p>	<p>1 K. MIKHAYLOVA</p> <p>2 you were dismissed from Bloomingdale's; is</p> <p>3 that correct?</p> <p>4 A. (No verbal response.)</p> <p>5 Q. Yes?</p> <p>6 A. Yes.</p> <p>7 Q. And I'm sorry, the court</p> <p>8 reporter cannot take uh-huhs. She needs</p> <p>9 verbal answers. I may not have said that</p> <p>10 initially so --</p> <p>11 A. Correct.</p> <p>12 Q. Who was your direct supervisor</p> <p>13 while you were in Chanel Handbags?</p> <p>14 A. When I started Chanel Handbags,</p> <p>15 it was Victoria. She was my direct</p> <p>16 supervisor, she was my manager.</p> <p>17 Q. What was Victoria's last name?</p> <p>18 Do you have any recollection?</p> <p>19 A. Something with an S. I don't</p> <p>20 remember.</p> <p>21 Q. With an S as in Sam; you are not</p> <p>22 saying F?</p> <p>23 A. Like in Sam, correct.</p> <p>24 Q. How long was Victoria your</p> <p>25 manager while you were in Chanel Handbags?</p> <p style="text-align: right;">Page 44</p>
<p>1 K. MIKHAYLOVA</p> <p>2 A. There were a few people. One,</p> <p>3 Chris Castellani. There was Bobby Booker.</p> <p>4 When I started, it was someone else. They</p> <p>5 go through a lot of people. I don't</p> <p>6 remember the name of who -- there was one</p> <p>7 person that I went to with an incident.</p> <p>8 His name is -- I want to say David but I</p> <p>9 could be wrong, by the name of David.</p> <p>10 There was a few people there. If you can</p> <p>11 show me pictures I can identify. But at</p> <p>12 this point, I don't remember their names.</p> <p>13 Q. Today I am just trying to figure</p> <p>14 out what you remember.</p> <p>15 A. Okay.</p> <p>16 Q. When you started, I know you</p> <p>17 mentioned Cathy Younis; Y-O-U-N-I-S. Was</p> <p>18 Cathy your supervisor?</p> <p>19 A. I thought she was the director.</p> <p>20 Q. When you started in Chanel</p> <p>21 Handbags -- strike that.</p> <p>22 When you began at Bloomingdale's</p> <p>23 you were in Chanel Handbags, correct?</p> <p>24 A. Yes, I was.</p> <p>25 Q. You remained in handbags until</p> <p style="text-align: right;">Page 43</p>	<p>1 K. MIKHAYLOVA</p> <p>2 A. I think for three months before</p> <p>3 she left.</p> <p>4 Q. And then who, if anyone, became</p> <p>5 your manager?</p> <p>6 A. So, we didn't have a manager for</p> <p>7 quite sometime. After that it was Denis</p> <p>8 Diaz.</p> <p>9 Q. Do you know when Denis Diaz --</p> <p>10 MS. TIERNEY: And D-E-N-I-S,</p> <p>11 D-I-A-Z, only one N.</p> <p>12 Q. Do you know when Denis Diaz</p> <p>13 became your manager?</p> <p>14 A. I do not recall.</p> <p>15 Q. But you recall it was three --</p> <p>16 A. I recall not having a manager,</p> <p>17 I'm sorry, for a couple of months before</p> <p>18 he became manager.</p> <p>19 Q. You were there from April to</p> <p>20 June so about fourteen months, right?</p> <p>21 A. Correct.</p> <p>22 Q. And the first three months were</p> <p>23 Victoria give or take, and I know that's</p> <p>24 as estimate?</p> <p>25 A. Till September it was Victoria,</p> <p style="text-align: right;">Page 45</p>

<p>1 K. MIKHAYLOVA</p> <p>2 I believe.</p> <p>3 Q. Do you recall how long you went</p> <p>4 without a manager before Denis Diaz came</p> <p>5 to that department?</p> <p>6 A. Several months. I can't recall</p> <p>7 the exact timeline without a manager.</p> <p>8 Q. Was it after the holidays or did</p> <p>9 you have a manager in the holiday season?</p> <p>10 A. I don't recall honestly.</p> <p>11 Q. Did you have any issues during</p> <p>12 the time, I mean of any kind, people not</p> <p>13 getting along with people, people</p> <p>14 bothering you, during the time that</p> <p>15 Victoria was your manager?</p> <p>16 A. No.</p> <p>17 Q. During the time that you had no</p> <p>18 manager, did you have any issues with</p> <p>19 people treating you improperly, people</p> <p>20 harassing you, anything that you felt was</p> <p>21 inappropriately during the time you did</p> <p>22 not have a manager?</p> <p>23 A. In the Chanel boutique?</p> <p>24 Q. At any part in Bloomingdale's.</p> <p>25 A. Well, it was difficult again to</p> <p>Page 46</p>	<p>1 K. MIKHAYLOVA</p> <p>2 A. I believe so, to my best of</p> <p>3 knowledge.</p> <p>4 Q. You believe that issue arose</p> <p>5 when Denis Diaz was your supervisor?</p> <p>6 A. Yes. I know Denis was already</p> <p>7 present at that time.</p> <p>8 Q. Okay. Do you know who Denis</p> <p>9 Diaz reported to?</p> <p>10 A. I would assume Cathy but again,</p> <p>11 that's an assumption.</p> <p>12 Q. After you were interviewed and</p> <p>13 hired by Cathy Younis, did you ever have</p> <p>14 any other contact with Cathy?</p> <p>15 A. Yes, numerous amount of times.</p> <p>16 Q. Was she headquartered in the</p> <p>17 store?</p> <p>18 A. In the Bloomingdale's location.</p> <p>19 Q. Was she there daily, was it</p> <p>20 weekly? What kind of contact would you</p> <p>21 have with Cathy --</p> <p>22 A. Daily. She was there daily.</p> <p>23 MS. MENDOZA: It might be best</p> <p>24 so that the court reporter can take</p> <p>25 everything down, that you let counsel</p> <p>Page 48</p>
<p>1 K. MIKHAYLOVA</p> <p>2 get handbags to sell because of the wait</p> <p>3 list. It was going to specific people.</p> <p>4 It wasn't going to the whole team. You</p> <p>5 had to get there at 6:00 in the morning to</p> <p>6 get a handbag but I had kids and I</p> <p>7 couldn't show up that early to get a</p> <p>8 handbags. In that sense, yes.</p> <p>9 Q. Anything else? I am talking</p> <p>10 about people acting inappropriately. The</p> <p>11 competition for handbags was a work</p> <p>12 related issue, but people just behaving</p> <p>13 badly or inappropriately?</p> <p>14 A. I had an issue with Bobby</p> <p>15 Booker. He was harassing me, but I don't</p> <p>16 recall the timeframe of when it started.</p> <p>17 Q. Do you remember if Denis Diaz</p> <p>18 was your supervisor at the time the issue</p> <p>19 with Bobby Booker started?</p> <p>20 A. He was. That I remember.</p> <p>21 Q. When I was asking the question</p> <p>22 were there any issues during the time you</p> <p>23 didn't have a manager, the Bobby Booker</p> <p>24 did not arise during the time you did not</p> <p>25 have a manager, correct?</p> <p>Page 47</p>	<p>1 K. MIKHAYLOVA</p> <p>2 asking the question first and then</p> <p>3 respond.</p> <p>4 THE WITNESS: Okay.</p> <p>5 MS. TIERNEY: If we talk over</p> <p>6 each other, it gets really confusing</p> <p>7 so I apologize too.</p> <p>8 Q. You believe the situation with</p> <p>9 Bobby Booker came up during the time that</p> <p>10 Denis Diaz was your supervisor. Had Denis</p> <p>11 been there a long time, was it when Denis</p> <p>12 came on board? What do you remember about</p> <p>13 the timing if anything?</p> <p>14 A. As far as the timing, I do not</p> <p>15 recall. This is so long ago -- exactly</p> <p>16 when it started.</p> <p>17 Q. How long did it go on?</p> <p>18 A. Till the end of my -- till</p> <p>19 around I want to say till almost the end</p> <p>20 of my time there. I believe for a few</p> <p>21 months for sure. I don't recall when it</p> <p>22 ended, but definitely for a few months</p> <p>23 that I was there.</p> <p>24 Q. What was it specifically that</p> <p>25 Bobby Booker was doing that you found</p> <p>Page 49</p>

<p>1 K. MIKHAYLOVA 2 problematic? 3 A. Well, he was coming up to me 4 looking very deeply in the eyes making me 5 super uncomfortable, talking to me acting 6 like whatever is going on in Chanel. He 7 was being flirtatious with me. 8 Q. Was the flirtatious, was that 9 something he was saying or how did you 10 know he was being flirtatious? 11 A. Body language, his body hang. 12 Q. What does that mean? 13 A. The way he looked me in the 14 eyes, the way he was talking to me, the 15 way he had his hands, combination of 16 everything. 17 Q. Did he ever put his hands on 18 you? 19 A. Around my -- around my arms -- I 20 mean, around my shoulders. I believe so. 21 Like, he would come around and hug me like 22 that (indicating) is what I am trying to 23 say. 24 Q. Was it a sideways hug or a 25 frontal?</p> <p style="text-align: right;">Page 50</p>	<p>1 K. MIKHAYLOVA 2 A. Yeah. 3 Q. I know you believe everybody saw 4 it. What I am asking you is can you think 5 of the time when he hugged and you can 6 identify someone who actually observed the 7 conduct? 8 A. Yes. The security guard the 9 door, her name was Tanya. I forgot her 10 last name. I don't know her last name. 11 Her name was Tanya. 12 Q. Anyone else that you observed 13 watching while he was hugging you? 14 A. The girl by the name of -- it 15 was a Polish girl. I don't recall her 16 name but there was one other girl by the 17 name of Mercedes. The Polish girl was 18 also, she was part of the loss prevention 19 team at Chanel. I don't recall her name 20 though. 21 Q. Anyone else you can think of 22 that would have observed, that you knew 23 and observed seeing him hug you? 24 A. Besides the -- I can give you 25 names of people in the department that</p> <p style="text-align: right;">Page 52</p>
<p>1 K. MIKHAYLOVA 2 A. Both. 3 Q. Were you behind the counter, 4 were you on the floor? Where were you 5 you? 6 A. It was a combination of both. 7 Q. Would you push him back? What 8 would you do? 9 A. I would push myself away from 10 him. 11 Q. How many times do you recall 12 Bobby Booker hugging you? 13 A. Many times. I do not recall the 14 number of times. 15 Q. Do you recall any witnesses to 16 him hugging you? 17 A. Yes. The the whole Chanel 18 Department including Denis Diaz, including 19 the security they had in front of Chanel. 20 Q. Can you give me any specific 21 names other than Denis Diaz? 22 A. Well, the whole Chanel team as 23 well as loss prevention team that stood in 24 the front of the store. 25 Q. Let me ask it differently.</p> <p style="text-align: right;">Page 51</p>	<p>1 K. MIKHAYLOVA 2 have seen that happen. 3 Q. Are you aware of them seeing it 4 or you just -- 5 A. They made a comment to me. 6 Q. Who specifically do you recall 7 making a comment to you about him hugging 8 you? 9 A. Lisa. 10 Q. Do you know Lisa's last name? 11 A. No. I don't recall. 12 Q. But she was a Chanel Handbags 13 person? 14 A. Yes. 15 Q. Anyone else? 16 A. Eleanor. 17 Q. Anyone else? 18 A. Nel. 19 Q. How do you spell that? 20 A. N-E-L. 21 Q. What was Nel's last name if you 22 know? 23 A. I don't recall. 24 Q. Anyone else? 25 A. Yes. Hold on. I don't recall</p> <p style="text-align: right;">Page 53</p>

1 K. MIKHAYLOVA
2 -- I don't remember her name.
3 Q. If you remember during the
4 course of the deposition during the day,
5 let me know. It may come back.
6 A. Okay.
7 Q. Or maybe if it is somebody on
8 your list of witnesses, let me know.
9 Other than the hugs and you can't remember
10 how many times but was it like every day,
11 was it once a week? Do you have any
12 ability to estimate how many times Bobby
13 Booker hugged you?
14 A. It was for sure, I feel like it
15 was in every shift he was in when he
16 stopped by to see the Chanel team.
17 Q. Every shift he was working you
18 were also working?
19 A. Correct.
20 Q. And I assume there were shifts
21 where you would work and he wouldn't?
22 A. Yes.
23 Q. Or he would work and you
24 wouldn't?
25 A. Yes.

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1 K. MIKHAYLOVA
2 Q. Other than the hugs, was there
3 any other contact made by Mr. Booker to
4 your person?
5 A. Can you elaborate that on,
6 please.
7 Q. Sure. Did he grab your butt or
8 other part of your anatomy?
9 A. No, but he would look at my butt
10 all the time and make me feel very
11 uncomfortable.
12 Q. You knew that he was looking at
13 your butt because he was standing there
14 staring at you or --
15 A. Yeah, because other people were
16 like oh, my God. People make comments
17 about it.
18 Q. I want to know what you
19 specifically observed. Did you see him
20 staring at your posterior?
21 A. Correct.
22 Q. Other than the hugs did he touch
23 you in any way physically? Did he put his
24 hands on you?
25 A. No.

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1 K. MIKHAYLOVA
2 Q. And you believe at some point in
3 time based on conversations and your
4 observations, besides your butt any part
5 of the anatomy that he would stare at?
6 A. My chest.
7 Q. Did you ever report this conduct
8 to anyone?
9 A. No.
10 Q. Why not?
11 A. Because everybody was there to
12 witness it. I didn't want to get anyone
13 in trouble. And I felt like if management
14 sees it and doesn't say anything -- they
15 were right there to see it.
16 Q. Did you say anything in front of
17 management to suggest you were not
18 friendly with Mr. Booker or that you were
19 not --
20 A. I mentioned he makes me feel
21 uncomfortable.
22 Q. To who?
23 A. Denis Diaz.
24 Q. What response if any did Denis
25 have?

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1 K. MIKHAYLOVA
2 A. I don't recall.
3 Q. Did you tell anyone else that he
4 made you uncomfortable?
5 A. The co-workers on my team.
6 Q. Let me ask it again then a
7 little differently.
8 Did you alert anyone else in the
9 management role other than Denis Diaz?
10 A. No, not that I recall.
11 Q. How many times would you tell
12 Denis Diaz that Mr. Booker made you
13 uncomfortable?
14 A. Several.
15 Q. Can you put a number on?
16 A. I can't recall.
17 Q. Do you recall any response by
18 Denis all those times you allegedly spoke
19 to him about that that he responded?
20 A. I don't recall specific
21 responses.
22 Q. Do you know who Mr. Booker's
23 boss was?
24 A. I thought he was one of the
25 bosses at that time.

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<p>1 K. MIKHAYLOVA</p> <p>2 Q. My question is do you know who</p> <p>3 his boss was?</p> <p>4 A. No.</p> <p>5 Q. Did you have someone at HR at</p> <p>6 that time that you could have gone to?</p> <p>7 A. I believe so.</p> <p>8 Q. Did you ever go to HR to</p> <p>9 complain about Mr. Booker's conduct?</p> <p>10 A. No.</p> <p>11 Q. Why not?</p> <p>12 A. Because I didn't want to get</p> <p>13 anyone in trouble.</p> <p>14 Q. Did you ever tell Mr. Booker to</p> <p>15 knock it off?</p> <p>16 A. Yes.</p> <p>17 Q. What was his response, if any,</p> <p>18 did he have?</p> <p>19 A. He laughed about it.</p> <p>20 Q. Did you ever see Mr. Booker</p> <p>21 socially outside the work place?</p> <p>22 A. No.</p> <p>23 Q. Other than what you have talked</p> <p>24 about today, is there anything else that</p> <p>25 Mr. Booker did that you felt was</p> <p style="text-align: right;">Page 58</p>	<p>1 K. MIKHAYLOVA</p> <p>2 A. No. I --</p> <p>3 Q. Did he have a response?</p> <p>4 A. I --</p> <p>5 Q. I am sorry?</p> <p>6 A. I told him I am with somebody.</p> <p>7 Q. Did he have any response?</p> <p>8 A. He said he was with somebody</p> <p>9 too, that he was married.</p> <p>10 Q. Was there anything else said in</p> <p>11 this conversation?</p> <p>12 A. I do not recall.</p> <p>13 Q. Any other times that Mr. Booker</p> <p>14 asked you out or asked you to do things</p> <p>15 socially?</p> <p>16 A. At the moment I don't recall</p> <p>17 specific instances. There were several</p> <p>18 occasions but I don't recall specific</p> <p>19 incidents.</p> <p>20 Q. Did he ever get mad or angry</p> <p>21 when you told him no?</p> <p>22 A. He was upset. I always told him</p> <p>23 no.</p> <p>24 Q. How do you know he was upset?</p> <p>25 A. Because he left the boutique.</p> <p style="text-align: right;">Page 60</p>
<p>1 K. MIKHAYLOVA</p> <p>2 inappropriate or made you feel</p> <p>3 uncomfortable?</p> <p>4 A. I don't -- I do not recall.</p> <p>5 Q. You mentioned to Denis Diaz on</p> <p>6 several occasions that he made you</p> <p>7 uncomfortable but you told no one else at</p> <p>8 management; is that correct?</p> <p>9 A. That's correct.</p> <p>10 Q. Do you remember any specific</p> <p>11 comments that Mr. Booker made that made</p> <p>12 you uncomfortable?</p> <p>13 A. He tried to ask me out. He --</p> <p>14 Q. How did he try to ask you out?</p> <p>15 Did he ask you out or not?</p> <p>16 A. He did. He asked me what am I</p> <p>17 doing later. Have I ever been to this</p> <p>18 place, have I been to that place.</p> <p>19 Q. Did he ever say do you want to</p> <p>20 go to this place with me?</p> <p>21 A. Yes.</p> <p>22 Q. Where did he ask you to go?</p> <p>23 A. I don't recall the exact</p> <p>24 restaurant but it was a restaurant.</p> <p>25 Q. What was your response to that?</p> <p style="text-align: right;">Page 59</p>	<p>1 K. MIKHAYLOVA</p> <p>2 Q. So he asked you out and you said</p> <p>3 no, I can't, I have a boyfriend and he</p> <p>4 said so do I. You said no and then he</p> <p>5 leaves?</p> <p>6 A. Correct.</p> <p>7 Q. Did you deduce that he was</p> <p>8 upset?</p> <p>9 A. Yes.</p> <p>10 Q. Was there anything about the</p> <p>11 manner in which he left that led you to</p> <p>12 conclude that he was upset?</p> <p>13 A. I mean specific manner, no.</p> <p>14 Q. You have worked for a lot of</p> <p>15 designers, right, Dior, Louis Vuitton, all</p> <p>16 these guys. During the time you worked</p> <p>17 for those specific stores, do you ever</p> <p>18 recall hearing the word diversion or</p> <p>19 diverter?</p> <p>20 A. Yes.</p> <p>21 Q. Is it fair to say that all of</p> <p>22 those entities that you worked for had</p> <p>23 policies against diversion?</p> <p>24 A. Yes.</p> <p>25 Q. It is a brand issue, correct?</p> <p style="text-align: right;">Page 61</p>

<p>1 K. MIKHAYLOVA</p> <p>2 A. Yes. Particularly in Chanel</p> <p>3 more than anything.</p> <p>4 Q. Chanel is very particular about</p> <p>5 diversion?</p> <p>6 A. Yes.</p> <p>7 Q. How about when you were at Louis</p> <p>8 Vuitton? Did Louis Vuitton have policies?</p> <p>9 A. Louis Vuitton did too.</p> <p>10 Q. Was it just a limit of how much</p> <p>11 you can sell, were there other limits</p> <p>12 other than that?</p> <p>13 A. It was limit on certain handbags</p> <p>14 that we couldn't sell more than. It was a</p> <p>15 limit on certain pieces. We couldn't sell</p> <p>16 more than one of to a customer.</p> <p>17 Q. When you went to Saks Chanel</p> <p>18 you had the same restrictions I am</p> <p>19 assuming you had at Bloomingdale's?</p> <p>20 A. Correct.</p> <p>21 Q. At Dior, do you also have issues</p> <p>22 at Dior with respect to diversion?</p> <p>23 A. Correct.</p> <p>24 Q. Is it your understanding that</p> <p>25 violating a diversion policy at any of</p> <p>Page 62</p>	<p>1 K. MIKHAYLOVA</p> <p>2 Chanel directly. Diversion was a big</p> <p>3 problem there. They weren't allowing us</p> <p>4 to sell multiple handbags to one person.</p> <p>5 Q. Were you aware of the diversion</p> <p>6 policy when you were at Bloomingdale's?</p> <p>7 A. I was aware.</p> <p>8 Q. Did you ever speak to anyone</p> <p>9 about whether or not they considered</p> <p>10 diversion to be a terminable offence?</p> <p>11 A. I never spoke to anyone.</p> <p>12 Q. At Louis Vuitton, was diversion</p> <p>13 considered a terminable offence to your</p> <p>14 knowledge?</p> <p>15 A. I don't recall.</p> <p>16 Q. You said that it was a big deal</p> <p>17 while you were working for Chanel</p> <p>18 directly. Was diversion an issue when</p> <p>19 you were working for Saks not licensed</p> <p>20 under Chanel?</p> <p>21 A. It wasn't an issue. I mean, I</p> <p>22 wasn't selling more than two handbags but</p> <p>23 it was a policy that you weren't allowed</p> <p>24 to sell more than two handbags to a</p> <p>25 client.</p> <p>Page 64</p>
<p>1 K. MIKHAYLOVA</p> <p>2 these vendors or any of these retailers</p> <p>3 could result in termination?</p> <p>4 A. Well, there is also a fine line</p> <p>5 because it is under manager's approval as</p> <p>6 wells.</p> <p>7 Q. Let me ask my question again.</p> <p>8 Do you know whether or not diversion is a</p> <p>9 terminable offence? Was diversion a</p> <p>10 terminable offence to your knowledge?</p> <p>11 A. No. Not a Bloomingdale's.</p> <p>12 Q. And why do believe that?</p> <p>13 A. Because everybody was selling</p> <p>14 multiple pieces. I knew the same</p> <p>15 customers over and over again. It wasn't</p> <p>16 -- it wasn't -- in Bloomingdale's, it</p> <p>17 wasn't as -- nobody -- I have seen people</p> <p>18 sell three handbags to one client and it</p> <p>19 is okay. Four handbags to a client</p> <p>20 multiple times. It wasn't at Chanel</p> <p>21 though. In Chanel we are not allowed to</p> <p>22 do that.</p> <p>23 Q. You were selling Chanel at</p> <p>24 Bloomingdale's?</p> <p>25 A. At Saks, when I was working for</p> <p>Page 63</p>	<p>1 K. MIKHAYLOVA</p> <p>2 Q. In Dior, is diversion a</p> <p>3 terminable offence to your knowledge?</p> <p>4 A. Not at Dior.</p> <p>5 Q. Now, what is diversion --</p> <p>6 A. I haven't experienced it.</p> <p>7 Q. Okay. Let me ask you this.</p> <p>8 What does diversion mean to you because I</p> <p>9 am not sure if we are talking the same</p> <p>10 thing.</p> <p>11 A. Selling more than -- customers</p> <p>12 that buy multiple items of the same piece.</p> <p>13 Q. We are not talking about the</p> <p>14 same thing. Are you aware of people who</p> <p>15 sell to resellers --</p> <p>16 A. Yes.</p> <p>17 Q. -- to be considered diversion?</p> <p>18 A. Yes.</p> <p>19 Q. In fact, during the time you</p> <p>20 were at Bloomingdale's sold to resellers,</p> <p>21 didn't you?</p> <p>22 A. No, I did not.</p> <p>23 MS. MENDOZA: Objection. You</p> <p>24 can answer.</p> <p>25 Q. You sent products to Yuyu Lai</p> <p>Page 65</p>

<p>1 K. MIKHAYLOVA 2 who was a known diverter, is she not? 3 A. No, she is not. 4 Q. Y-U-Y-U, L-A-I. 5 Q. Your testimony, ma'am, is she is 6 not a diverter? 7 A. Correct. 8 Q. Why would you send product to 9 Yuyu Lai? 10 A. I'm sorry? 11 Q. Why would you send product to 12 Yuyu Lai? 13 A. I sent products to her because 14 she was living in, I believe New 15 Hampshire. And I was sending her gifts as 16 well as I was sending her my own product. 17 Q. Why were you sending her your 18 product? 19 A. Because -- because I am -- from 20 what I learned at Bloomingdale's when you 21 send it there, I wouldn't pay tax. 22 Q. You, in fact, were sending out 23 of state to avoid tax? 24 A. On certain pieces for myself and 25 lot of gifts as well.</p> <p style="text-align: right;">Page 66</p>	<p>1 K. MIKHAYLOVA 2 products that you sent her? 3 A. Correct. She never gave me any 4 money. 5 Q. How did you get your products 6 back for her? 7 A. She came to New York quite 8 often. Some of the products I did gift 9 her. 10 Q. If your co-workers said they, in 11 fact, were sending to Yuyu Lai to get 12 money for reselling and that you had told 13 them that and given her the information, 14 that would be untrue? 15 A. Correct. I never gave them any 16 -- I gave them her information so they can 17 get the product so they won't have to pay 18 tax. 19 Q. And so when we depose Ms. Lai 20 you think she will support what you just 21 said? 22 A. Absolutely. 23 MS. TIERNEY: We have been going 24 for an hour. Let's take a five minute 25 break.</p> <p style="text-align: right;">Page 68</p>
<p>1 K. MIKHAYLOVA 2 Q. You were aware that Yuyu Lai 3 runs a resell shop in Boston that has 4 significant amount of Chanel products? 5 A. She does not. 6 Q. Okay. Thank you. 7 There has been, some of your 8 colleagues said you had recommended they 9 send products to Yuyu Lai as well? 10 A. They didn't want to pay tax on 11 their merchandise as well because our 12 discount wasn't that good. 13 Q. How do you know Yuyu Lai? 14 A. I knew her for a really long 15 time. She was a friend of mine. She 16 would come to New York and I met her in 17 New York. 18 Q. Where did you meet her in New 19 York? 20 A. In Queens in a restaurant. She 21 was wearing a Hermes bag and we started 22 talking. We have been friends before 23 Bloomingdale's. 24 Q. So your testimony is that Yuyu 25 Lai never gave you money for any of these</p> <p style="text-align: right;">Page 67</p>	<p>1 K. MIKHAYLOVA 2 MS. MENDOZA: Sounds good. 3 Thank you. 4 (Whereupon, a short recess was 5 taken.) 6 MS. TIERNEY: Back on the 7 record. 8 Q. Did Yuyu Lai ever give you 9 anything other than money as far as 10 compensation for the bags you sent her? 11 A. No. 12 Q. Do you know if she gave money to 13 any of your co-workers for the bags they 14 sent? 15 A. No. 16 Q. You don't know or she didn't? 17 A. She did not. 18 Q. How do you know that? 19 A. Because they didn't tell me. 20 Q. If I said that she, in fact, had 21 given them money would that be more 22 accurate than your knowledge? 23 MS. MENDOZA: Objection. 24 A. They never told me that. 25 Q. You can answer.</p> <p style="text-align: right;">Page 69</p>

1 K. MIKHAYLOVA
2 Q. They would know more than you
3 what they received from Yuyu Lai; is that
4 correct?
5 MS. MENDOZA: Objection.
6 You can answer.
7 Q. You can answer.
8 A. I'm sorry?
9 Q. Your coworkers would have a
10 better knowledge of what they received
11 from Yuyu Lai than you?
12 A. Not necessarily. Actually, no.
13 They didn't speak to her. I gave them the
14 address and I picked up their stuff. So
15 that would be a no.
16 Q. They have never communicated
17 with Yuyu Lai?
18 Q. Other than mailing bags that
19 they bought from Chanel?
20 A. No.
21 Q. No, they didn't mail bags to
22 Yuyu Lai or that's correct other than
23 mailing bags?
24 A. Other than them sending the
25 bags, they never had any communication

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1 K. MIKHAYLOVA
2 with Yuyu Lai.
3 Q. You admit today that you sent
4 bags to New Hampshire to avoid sales tax;
5 is that correct?
6 A. I was allowed to do it by
7 management.
8 Q. Which manager approved you
9 mailing bags to New Hampshire to avoid
10 sales tax?
11 A. Management was doing it to,
12 Denis Diaz.
13 Q. If we checked Denis Diaz's file
14 we can see him sending bags to New
15 Hampshire or where did he send them?
16 A. No, not Denis Diaz. Other
17 managers who were buying from Chanel that
18 were sending bags to the five states that
19 do not have tax or lower tax rate as a
20 gift. It was a common practice at
21 Bloomingdale's and everybody was doing it.
22 Q. I appreciate you think it is a
23 common practice but I need a little more
24 than that, actual facts to support that?
25 A. That's a fact. If you look at

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1 K. MIKHAYLOVA
2 all the receipts you will see everybody
3 that sends the stuff. If you open the
4 computer and look at the receipts from
5 2017 to 2018, all the transactions, you
6 will see the amount of people that were
7 sending to the different states.
8 Q. I appreciate that but it doesn't
9 work that way. I would like to know who
10 you know in management who approved you
11 sending bags to New Hampshire and
12 Mississippi and other states that did not
13 have tax?
14 A. Mississippi, you did pay tax. I
15 was sending it as a gift.
16 Q. Who did you send to in
17 Mississippi?
18 A. I don't recall, but Mississippi
19 has tax.
20 Q. You sent one to Mississippi and
21 you don't remember who you sent a \$4,000
22 bag to?
23 MS. MENDOZA: Objection.
24 You can answer.
25 A. It was a friend.

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1 K. MIKHAYLOVA
2 Q. You don't remember the friend
3 who you sent a \$4,000 gift to?
4 A. It's been a long time.
5 Q. Is that friend still in
6 Mississippi if we want to depose him or
7 her?
8 A. I don't speak to her. I don't
9 know. Well -- I don't know.
10 Q. How soon after you sent the bag
11 that you stopped speaking to the friend in
12 Mississippi?
13 A. I don't even recall sending a
14 bag to Mississippi. I was just telling
15 you they pay tax in Mississippi. I don't
16 recall who I sent it. I might have had a
17 friend that lived there at that time but I
18 don't recall who it is.
19 Q. Do you recall ever sending a bag
20 to Mississippi and recovering the bag,
21 getting the bag back?
22 A. I don't recall.
23 Q. Do you remember if you had a
24 friend in Mississippi, if it was a man or
25 woman?

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<p>1 K. MIKHAYLOVA</p> <p>2 MS. MENDOZA: Objection.</p> <p>3 You can answer.</p> <p>4 A. I do not recall.</p> <p>5 Q. We will look at the receipts</p> <p>6 later.</p> <p>7 Did any manager, and I want to</p> <p>8 make this as clear as I can, ever tell you</p> <p>9 directly that it was okay to send</p> <p>10 merchandise to a state for yourself that</p> <p>11 did not have taxes for the purpose of</p> <p>12 avoiding taxes? Did anybody ever approve</p> <p>13 that and if so, who?</p> <p>14 A. It was Denis, Victoria.</p> <p>15 Q. I will tell you we have looked</p> <p>16 for Victoria S at 59 Street and we can't</p> <p>17 find anybody. Do you have any better</p> <p>18 recollection what her name was?</p> <p>19 A. Yes. Let me look. It is</p> <p>20 V-I-K-T-O-R-I-A. Last name is S-O-M-E-K.</p> <p>21 Q. V-I-K-T-O-R-I-A?</p> <p>22 A. Yes.</p> <p>23 Q. Do you know if she is still at</p> <p>24 Bloomingdale's?</p> <p>25 A. No. She left unless she came</p> <p>Page 74</p>	<p>1 K. MIKHAYLOVA</p> <p>2 Q. Did he ever specifically say</p> <p>3 anything suggesting that it was okay?</p> <p>4 A. I don't recall.</p> <p>5 Q. Any other manager other than</p> <p>6 Viktoria that ever said specifically to</p> <p>7 you that it was okay to send product out</p> <p>8 of state for the purpose of avoiding sales</p> <p>9 tax?</p> <p>10 A. Cathy Younis sent all stuff to</p> <p>11 Jersey to avoid sales tax on her clothes.</p> <p>12 So I have witnessed it. If managers can</p> <p>13 do it, why can't we.</p> <p>14 Q. Do you know where Cathy lives?</p> <p>15 A. I believe the city. I don't</p> <p>16 know where she lives at now.</p> <p>17 Q. Did you ever ask Cathy if it was</p> <p>18 okay to mail products to yourself for the</p> <p>19 point of avoiding sales tax?</p> <p>20 A. I don't recall that.</p> <p>21 Q. Did she ever say anything? Do</p> <p>22 you ever recall her saying it is okay?</p> <p>23 A. I don't recall.</p> <p>24 Q. Your only evidence of Cathy's</p> <p>25 position on this is you saw her ringing</p> <p>Page 76</p>
<p>1 K. MIKHAYLOVA</p> <p>2 back. I'm not sure.</p> <p>3 Q. Do you recall her specifically</p> <p>4 saying it was okay to mail products out of</p> <p>5 state to avoid tax?</p> <p>6 A. She said everybody does it.</p> <p>7 Q. Did Denis Diaz specifically tell</p> <p>8 you that it was okay to mail products for</p> <p>9 yourself out of state for the purpose of</p> <p>10 avoiding sales tax?</p> <p>11 A. He left it up to me to do.</p> <p>12 Repeat the question.</p> <p>13 Q. Did he ever specifically say it</p> <p>14 was okay for you to send product for</p> <p>15 yourself out of state for the purpose of</p> <p>16 avoiding sales tax?</p> <p>17 A. Did he say, no. But he has rung</p> <p>18 me up and I gave him the address.</p> <p>19 Q. Did he know whether or not it</p> <p>20 was for you or someone else or did you</p> <p>21 tell him?</p> <p>22 A. He knew it was for me because I</p> <p>23 was trying it on.</p> <p>24 Q. Trying what on, the bag?</p> <p>25 A. Yes.</p> <p>Page 75</p>	<p>1 K. MIKHAYLOVA</p> <p>2 merchandise for mailing to Jersey?</p> <p>3 A. Correct, that she tried on for</p> <p>4 herself.</p> <p>5 Q. You believe she lived in New</p> <p>6 York City but you don't know where she</p> <p>7 specifically lives other than your</p> <p>8 speculation?</p> <p>9 A. She lived next to</p> <p>10 Bloomingdale's. She told us she lived</p> <p>11 next to Bloomingdale's.</p> <p>12 Q. Anyone else who was in</p> <p>13 management role that told you that it was</p> <p>14 okay to mail things out of state to avoid</p> <p>15 sales tax?</p> <p>16 A. Not that I can recall.</p> <p>17 Q. Were you aware of an FBI</p> <p>18 investigation into the fraud going on with</p> <p>19 the Chanel Department?</p> <p>20 A. After I had left Bloomingdale's.</p> <p>21 Q. Did you ever learn that some of</p> <p>22 your co-workers had been indicted for</p> <p>23 fraud?</p> <p>24 A. I did not know that.</p> <p>25 Q. Did you know that some sort of</p> <p>Page 77</p>

<p>1 K. MIKHAYLOVA</p> <p>2 your co-workers had implicated you on the</p> <p>3 fraud after you left?</p> <p>4 A. I don't know how. I had nothing</p> <p>5 to do with it.</p> <p>6 Q. Question was did you know that</p> <p>7 any of your colleagues --</p> <p>8 A. No, I did not.</p> <p>9 Q. I'm sorry?</p> <p>10 A. No, I did not.</p> <p>11 Q. Thank you. We will get more</p> <p>12 into that later.</p> <p>13 When did you become pregnant in</p> <p>14 2017 to your knowledge?</p> <p>15 A. February 2017.</p> <p>16 Q. I have one more question on that</p> <p>17 topic before we move to another</p> <p>18 department.</p> <p>19 Other than the mailings out of</p> <p>20 state to avoid sales tax that resulted in</p> <p>21 your termination, had you ever sent out of</p> <p>22 state to avoid sales tax before that?</p> <p>23 A. No, never. You can check my</p> <p>24 previous work history. Nobody does in any</p> <p>25 other places. This was allowed here.</p> <p>Page 78</p>	<p>1 K. MIKHAYLOVA</p> <p>2 termination --</p> <p>3 A. And I bought a lot of stuff that</p> <p>4 I paid and took home.</p> <p>5 Q. Some of them you took home?</p> <p>6 A. Absolutely.</p> <p>7 Q. Why would you take some of them</p> <p>8 home and why would you mail some of them?</p> <p>9 A. Because some of them were more</p> <p>10 expensive pieces and if it was worth me</p> <p>11 saving on tax -- but if it is pieces that</p> <p>12 I can only pay -- you know, if it wasn't</p> <p>13 an expensive item I would take it home</p> <p>14 with me. It was different, you know, some</p> <p>15 were for gifts. So, it was different</p> <p>16 reasoning.</p> <p>17 Q. Other than your job at</p> <p>18 Bloomingdale's, did you have any other</p> <p>19 source of income during 2017, 2018?</p> <p>20 A. No. My grandmother was giving</p> <p>21 me money.</p> <p>22 Q. How much money was your</p> <p>23 grandmother giving you?</p> <p>24 A. Good amount.</p> <p>25 Q. How much?</p> <p>Page 80</p>
<p>1 K. MIKHAYLOVA</p> <p>2 Q. I am talking about your time at</p> <p>3 Bloomingdale's.</p> <p>4 A. Oh.</p> <p>5 Q. We have got five e-mails, most f</p> <p>6 them to Yuyu Lai or other people at the</p> <p>7 same address in the Mississippi mailing.</p> <p>8 Other than those five or six, did you ever</p> <p>9 mail any other products out of state?</p> <p>10 MS. MENDOZA: Objection.</p> <p>11 You can answer.</p> <p>12 A. I don't remember.</p> <p>13 Q. But it was a common practice,</p> <p>14 right?</p> <p>15 A. Yes.</p> <p>16 Q. Is there any reason if you were</p> <p>17 mailing you would not have mailed it out</p> <p>18 of state, if it was okay to do it?</p> <p>19 MS. MENDOZA: Objection. You</p> <p>20 can answer.</p> <p>21 A. I don't understand your</p> <p>22 question. If you could elaborate on that.</p> <p>23 Q. Sure. There were five or six</p> <p>24 times you did this and you admittedly did</p> <p>25 this to avoid tax that resulted in your</p> <p>Page 79</p>	<p>1 K. MIKHAYLOVA</p> <p>2 A. Different -- different times</p> <p>3 different amounts. She always gives me</p> <p>4 money. Anywhere from thousands --</p> <p>5 Q. She was giving you thousands of</p> <p>6 dollars?</p> <p>7 A. Yes.</p> <p>8 Q. And was that because of an</p> <p>9 inheritance or what was the circumstances</p> <p>10 your grandmother was giving you money?</p> <p>11 A. For inheritance. She was just</p> <p>12 giving me money.</p> <p>13 Q. Did you declare that in your</p> <p>14 taxes?</p> <p>15 A. I don't recall. I might have.</p> <p>16 I don't recall.</p> <p>17 Q. What is your grandmother's name?</p> <p>18 A. Evelina, E-V-E-L-I-N-A. Same</p> <p>19 last name, M-I-K-H-L-O-V-A.</p> <p>20 Q. Where does Evelina live?</p> <p>21 A. 8502. I'm sorry, that's my</p> <p>22 mom's address. 141-48, 85th Road,</p> <p>23 Briarwood, New York 11435.</p> <p>24 Q. How many times between 2016 and</p> <p>25 2017 did your grandmother give you money</p> <p>Page 81</p>

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1 K. MIKHAYLOVA
2 that was a thousand dollars or more?
3 A. I don't recall exactly how many.
4 Q. Do you know how much money your
5 grandmother gave you?
6 A. No, I don't recall the specific
7 amounts.
8 Q. Did you deposit the money into
9 your bank account?
10 A. I don't recall. Sometimes.
11 Sometimes, yes. Sometimes -- I don't
12 recall.
13 Q. What else would you have done
14 with it if you did not put it into the
15 bank account?
16 A. In my pocket.
17 Q. What bank do you bank at? What
18 was your bank?
19 A. I have several different. I
20 have Chase. I have Citi. At that time I
21 had Sterling National Bank.
22 Q. I'm sorry. What was that?
23 A. Sterling National Bank.
24 Q. Is there any any reason why you
25 have so many different bank accounts?

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1 K. MIKHAYLOVA
2 A. No. I always use different bank
3 accounts.
4 Q. I know that there is at least
5 some evidence that you spent about \$65,000
6 on Chanel products for 2016 to 2017?
7 A. Huh-huh.
8 Q. I guess the question I have is
9 how would you have paid that kind of money
10 for merchandise?
11 MS. MENDOZA: Objection.
12 You can answer.
13 A. I did work. That's No. 1. I
14 didn't always buy Chanel bags in the
15 beginning. It took me a while to start
16 buying Chanel bags. I started in April.
17 I probably didn't start buying until late
18 that year in December. I had money in my
19 savings account. I had money saved. I
20 always had money. I have always worked.
21 Q. Your testimony is that based on,
22 for example, the money you earned at
23 Bloomingdale's you were able to spend
24 \$65,000 on purchases?
25 A. Absolutely. I made a good

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1 K. MIKHAYLOVA
2 amount of money working at Bloomingdale's.
3 Q. I assume you had other expense
4 such as rent, food?
5 A. I wasn't paying rent.
6 Q. How were you living without
7 paying rent?
8 A. My boyfriend. He was paying the
9 rent and he gave me a lot of the money as
10 well.
11 Q. Who is your boyfriend?
12 A. Clayton Fountain; C-L-A-Y-T-O-N,
13 F-O-U-N-T-A-I-N.
14 Q. What does Clayton do for a
15 living?
16 A. He is an electrician.
17 Q. Electrician, did I hear that
18 right?
19 A. Yes.
20 Q. How old is Clayton?
21 A. He is ten years older than me.
22 So I am thirty-five and he is forty-five.
23 Q. How long has he been an
24 electrician?
25 A. For the last twelve years. No,

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1 K. MIKHAYLOVA
2 actually more. Probably over fifteen
3 years now.
4 Q. For who does he work as an
5 electrician?
6 A. Right now he works for a
7 contractor. Their name is -- I don't know
8 the exact name right now. He works for
9 companies all the time. I don't know.
10 Empire. Oh, Empire.
11 Q. Your testimony is that the
12 65,000 plus that you spent on Chanel
13 handbags and shoes I believe from 2016 to
14 2017 were paid for by a combination of
15 your work money, ,money from your
16 boyfriend and I am assuming money from
17 your grandmother?
18 A. Yes.
19 Q. And when you got these gifts of
20 money, some you put into your bank account
21 and some you put it in your pocket in the
22 streets of New York City?
23 MS. MENDOZA: Objection.
24 You can answer.
25 A. Correct.

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22 (Pages 82 - 85)

1 K. MIKHAYLOVA
 2 Q. Now, let's get back to the
 3 pregnancy. You said you believe you
 4 became pregnant. How soon -- strike that.
 5 When did you first learn you
 6 were pregnant?
 7 A. February 4th of 2017, I believe.
 8 Q. That's when you learned you were
 9 pregnant?
 10 A. Yes. That's when I knew I was
 11 pregnant.
 12 Q. How pregnant were you at that
 13 point?
 14 A. Couple of weeks.
 15 Q. Did you have any issues with
 16 your pregnancy?
 17 A. Yes.
 18 Q. Morning sickness, anything?
 19 A. This is my third child and every
 20 pregnancy I have, as soon as I knew my
 21 period was missed by a day, I knew I was
 22 pregnant because I was sick to my stomach.
 23 I couldn't eat nothing. Everything I ate
 24 came right out. I was super super sick
 25 right away.

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1 K. MIKHAYLOVA
 2 Q. Some of us can identify.
 3 A. Yes, unfortunately.
 4 Q. Okay. I know that -- strike
 5 that.
 6 When did you tell anybody at
 7 Bloomingdale's that you were pregnant?
 8 When was the first time?
 9 A. First time I told a few of my
 10 colleagues. I know Eleanor was one.
 11 Martha Way was another person I told I was
 12 pregnant. I told them probably the next
 13 day. When I found out, I remember going
 14 to Bloomingdale's and I was super, super
 15 pale. I just didn't look good. I
 16 remember when I came in there was hotdog
 17 stand outside and every time I smelled it,
 18 I was extremely nauseous and before coming
 19 in I would throw up. And they were like
 20 oh, my God, what's wrong with you.
 21 Usually I come in, I have makeup. I am
 22 all cheery. And I was just not myself.
 23 So they knew something was wrong with me
 24 right away because I didn't look good. I
 25 was super, super pale. I looked sick.

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1 K. MIKHAYLOVA
 2 Q. Let me rephrase the question.
 3 When was the first time you told someone
 4 at management that you were pregnant?
 5 A. I told -- I don't recall the
 6 date though. I know I told Denis first.
 7 I don't recall exactly the date. If it
 8 was in the end of February or the
 9 beginning of March exactly when I told him
 10 I was pregnant.
 11 Q. What response did he have, if
 12 any?
 13 A. He told me oh, really. I said
 14 yes. He said congratulations, you just
 15 need to go to HR and make sure you alert
 16 them that you are pregnant.
 17 Q. I said but why do I have to go
 18 to HR to alert them that I was pregnant
 19 because all my other jobs when I had a
 20 baby no one sent me to HR to alert them
 21 that I was pregnant. If I am telling a
 22 manager, usually that's enough indication
 23 to know that I am pregnant. This is what
 24 set me off wrong. Why do I need to tell
 25 HR that I am pregnant.

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1 K. MIKHAYLOVA
 2 Q. I appreciate your thought
 3 process. However, not relevant to my
 4 question.
 5 He told you to go to HR. Did he
 6 tell you you need to go to HR to make sure
 7 you have time off for the HR?
 8 A. No. That's not why I had to go
 9 to HR.
 10 Q. Why did you have to go to HR?
 11 A. Because they might think I am
 12 pregnant. That what I was under the
 13 impression.
 14 Q. You eventually requested a leave
 15 of absence for your pregnancy, correct?
 16 A. Correct.
 17 Q. How did that come about?
 18 A. I requested it because I was
 19 coming in late and I was extremely,
 20 extremely sick. I was throwing up. Even
 21 with throwing up, I still attempted to go
 22 to work every day. I still tried to work
 23 hard and stand but I felt like my job -- I
 24 already starting feeling like okay, if
 25 they are not aware that I am pregnant, I

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<p>1 K. MIKHAYLOVA</p> <p>2 just need to go to them to let me know</p> <p>3 that I am pregnant. I just was feeling a</p> <p>4 push back every time I came in late even</p> <p>5 though he knew I was pregnant but I felt</p> <p>6 like it was always why are you late. I am</p> <p>7 like but I told you, I don't feel good, I</p> <p>8 had to throw up before going to the floor.</p> <p>9 I can't come to the floor unless I go to</p> <p>10 the bathroom first and then come to the</p> <p>11 floor. I don't know. I felt like I had</p> <p>12 to go to HR to notify them that I was</p> <p>13 pregnant.</p> <p>14 Q. Did he mention to you that to</p> <p>15 the extent you needed an accomodation you</p> <p>16 need to let HR know that so that they can</p> <p>17 make an accomodation?</p> <p>18 A. He didn't mention that to me.</p> <p>19 Q. Did you go to HR and tell them</p> <p>20 that you were pregnant and you were having</p> <p>21 issues with your morning sickness?</p> <p>22 A. Yes. I told them I was having</p> <p>23 issues and I told them I need an</p> <p>24 accomodation. That's when they sent me</p> <p>25 paperwork to go to my doctors.</p> <p>Page 90</p>	<p>1 K. MIKHAYLOVA</p> <p>2 allowed to sit down or allowed to leave.</p> <p>3 Q. At what point in time did you</p> <p>4 have this conversation with HR?</p> <p>5 A. Right away. I went there -- I</p> <p>6 don't recall the date that I went there</p> <p>7 and I let them know and we started the</p> <p>8 process with my doctors getting the FLMA</p> <p>9 leave.</p> <p>10 Q. Do you remember the name on the</p> <p>11 door of the person you spoke to, anything</p> <p>12 of that nature?</p> <p>13 A. No, I don't know that.</p> <p>14 Q. Do you have any notes or any</p> <p>15 other evidence that you had this</p> <p>16 conversation with HR?</p> <p>17 A. With HR?</p> <p>18 Q. Yes.</p> <p>19 A. No.</p> <p>20 Q. When Denis first learned you</p> <p>21 were pregnant he tells you you need to go</p> <p>22 to HR?</p> <p>23 A. Yes. He had given me a verbal</p> <p>24 write-up that I was coming in late and I</p> <p>25 told him but I am pregnant. He said in</p> <p>Page 92</p>
<p>1 K. MIKHAYLOVA</p> <p>2 THE WITNESS: Sorry. I am going</p> <p>3 to turn offer my phone. Sorry about</p> <p>4 that. Continue, please.</p> <p>5 Q. Who did you speak to in HR?</p> <p>6 A. A female, but I don't recall her</p> <p>7 name.</p> <p>8 Q. How did you get to that female</p> <p>9 to speak to her?</p> <p>10 A. I went to -- I believe it is on</p> <p>11 the second floor. I don't remember what</p> <p>12 floor HR is on. I went directly to the HR</p> <p>13 office. I notified them.</p> <p>14 Q. You notified them. What does</p> <p>15 that mean?</p> <p>16 A. I told them I was pregnant and I</p> <p>17 needed accommodation because I wasn't</p> <p>18 feeling good.</p> <p>19 Q. What accomodation did you want?</p> <p>20 A. I wanted to be able to come in</p> <p>21 late if I was allowed to without getting</p> <p>22 penalized for it. If I needed to sit</p> <p>23 down, I was able to sit down because in</p> <p>24 Bloomingdale's, pregnant or not pregnant</p> <p>25 disability or no disability, you weren't</p> <p>Page 91</p>	<p>1 K. MIKHAYLOVA</p> <p>2 that case you have to go to HR. Once they</p> <p>3 accommodate you I will remove this from</p> <p>4 your file.</p> <p>5 Q. Now you recall that he did say,</p> <p>6 in fact, he wanted you to go to HR to get</p> <p>7 an accomodation?</p> <p>8 MS. MENDOZA: Objection.</p> <p>9 You can answer.</p> <p>10 Q. You can answer.</p> <p>11 A. He told me that -- he didn't</p> <p>12 tell me for an accomodation. He just told</p> <p>13 me I need to notify them.</p> <p>14 Q. I thought you just said he told</p> <p>15 you --</p> <p>16 A. Just to let them know that I am</p> <p>17 pregnant. He didn't tell me to go get</p> <p>18 accommodation. He told me to go to HR to</p> <p>19 let them know that I am pregnant because</p> <p>20 as of now, he wrote me up for coming in</p> <p>21 late while I was pregnant and throwing up.</p> <p>22 Q. And I thought you said that he</p> <p>23 told you if he got the accommodation he</p> <p>24 would you be able to remove you --</p> <p>25 A. Not accommodation. If I had</p> <p>Page 93</p>

24 (Pages 90 - 93)

<p>1 K. MIKHAYLOVA</p> <p>2 notified them. I might have worded it</p> <p>3 wrong. If I notified them that I was</p> <p>4 pregnant they would allow me to remove</p> <p>5 this write-up, that they would remove that</p> <p>6 write-up. Now, when you say accommodation</p> <p>7 I think of the leave of absence. That's</p> <p>8 not what he told me to do.</p> <p>9 Q. Let's start with that.</p> <p>10 Do you know what the word</p> <p>11 accomodation means?</p> <p>12 A. If you want to explain it to me</p> <p>13 so I can answer.</p> <p>14 Q. I am asking you what it means to</p> <p>15 you?</p> <p>16 A. It means to -- it means to give</p> <p>17 me special, I don't want to say privileges</p> <p>18 but -- if I have some kind of disability,</p> <p>19 to let me, due to the disability</p> <p>20 accommodate it, to let me, you know,</p> <p>21 whatever makes me comfortable.</p> <p>22 Q. You said a minute ago that meant</p> <p>23 a leave of absence. Were you asking for</p> <p>24 something other than a leave of absence</p> <p>25 from Bloomingdale's?</p> <p style="text-align: right;">Page 94</p>	<p>1 K. MIKHAYLOVA</p> <p>2 Q. Did you, in fact, follow up with</p> <p>3 that process?</p> <p>4 A. Yes, I had it approved.</p> <p>5 Q. What was approved?</p> <p>6 A. That I was able to come in late</p> <p>7 and that -- I believe two an hour a day.</p> <p>8 If I needed to sit, to let me take extra</p> <p>9 breaks.</p> <p>10 Q. That was, in fact, given? That</p> <p>11 was granted?</p> <p>12 A. Correct. It was granted to my</p> <p>13 doctor, yes, asking them to give it to me.</p> <p>14 Q. Who was your doctor?</p> <p>15 A. Dr. Kamineneni.</p> <p>16 Q. Can you spell that?</p> <p>17 A. K-A-M-I-N-E-N-I calm.</p> <p>18 Q. Do you have a first name?</p> <p>19 A. SANTHA; S-A-N-T-H-A.</p> <p>20 Q. Was this your ob-gyn or primary</p> <p>21 care physician?</p> <p>22 A. She was my ob-gyn.</p> <p>23 Q. It is a she?</p> <p>24 A. Yes.</p> <p>25 Q. Is there a particular practice</p> <p style="text-align: right;">Page 96</p>
<p>1 K. MIKHAYLOVA</p> <p>2 A. From HR?</p> <p>3 Q. Yes.</p> <p>4 A. Well -- so this is where I am</p> <p>5 confused. This is during my conversation</p> <p>6 with Denis Diaz or with HR?</p> <p>7 Q. HR.</p> <p>8 A. Yes. HR, I had asked them to</p> <p>9 accommodate me.</p> <p>10 Q. You asked them what?</p> <p>11 A. I asked them to go on a leave of</p> <p>12 absence. Well, accommodation. It really</p> <p>13 wasn't a leave of absence. I was working.</p> <p>14 It was more of an accomodation.</p> <p>15 Q. The person you spoke to, did</p> <p>16 they ask you what you wanted as far as</p> <p>17 accommodation?</p> <p>18 A. They did not ask me what I</p> <p>19 wanted.</p> <p>20 Q. What did they --</p> <p>21 A. They just said we are going to</p> <p>22 forward paperwork to your doctor. Your</p> <p>23 doctor fills it out and submit it to</p> <p>24 Macy's. Then Macy's decides on how they</p> <p>25 will accommodate you.</p> <p style="text-align: right;">Page 95</p>	<p>1 K. MIKHAYLOVA</p> <p>2 group that she is with?</p> <p>3 A. At the moment she is in Rego</p> <p>4 Park. She is part of Northwell Health.</p> <p>5 Q. Your recollection is she</p> <p>6 completed paperwork saying you needed to</p> <p>7 be allowed to come in hour late?</p> <p>8 A. I believe hour late and</p> <p>9 accommodate with any extra breaks I</p> <p>10 needed.</p> <p>11 Q. Did you ever take into</p> <p>12 Bloomingdale's or HR a note that are said</p> <p>13 that?</p> <p>14 A. I gave in the paperwork.</p> <p>15 Q. You submitted a note from your</p> <p>16 work?</p> <p>17 A. I submitted that paperwork,</p> <p>18 correct.</p> <p>19 Q. To who did you submit that?</p> <p>20 A. To Macy's HR. I submitted it</p> <p>21 and my doctor submitted it, whatever. She</p> <p>22 had to submit on her behalf.</p> <p>23 Q. How do you know your doctor</p> <p>24 submitted it?</p> <p>25 A. Because I was there in the</p> <p style="text-align: right;">Page 97</p>

<p>1 K. MIKHAYLOVA</p> <p>2 office when she submitted it.</p> <p>3 Q. You saw her hit the button; is</p> <p>4 that what you mean?</p> <p>5 A. I saw her writing it out.</p> <p>6 Q. My question is how do you know</p> <p>7 what she did after she wrote it out?</p> <p>8 A. Because Macy's contacted me and</p> <p>9 let me know that it was submitted and that</p> <p>10 was the accommodation.</p> <p>11 Q. How did Macy's contact you?</p> <p>12 A. Vie phone.</p> <p>13 Q. Did you get any e-mails from</p> <p>14 Macy's to let you know this has been</p> <p>15 received?</p> <p>16 A. I don't recall at the moment</p> <p>17 whether they sent me an e-mail or not.</p> <p>18 Q. And you yourself took a copy</p> <p>19 into HR as well? Did I understand that</p> <p>20 correctly?</p> <p>21 A. Yes, I had copy of that as well.</p> <p>22 Q. Do you still have a copy of</p> <p>23 that?</p> <p>24 A. Somewhere in the house, yes.</p> <p>25 Q. You have not produced it in this</p> <p>Page 98</p>	<p>1 K. MIKHAYLOVA</p> <p>2 A. I mean, it was -- I don't recall</p> <p>3 anything else after they told me I came in</p> <p>4 late.</p> <p>5 Q. Did they ever write you up</p> <p>6 again. You actually got one write-up in</p> <p>7 April?</p> <p>8 A. Yes.</p> <p>9 Q. After that, was your</p> <p>10 accommodation paperwork submitted after</p> <p>11 that?</p> <p>12 A. Yes.</p> <p>13 Q. You got a write-up. You go to</p> <p>14 HR. You get the accommodation paperwork.</p> <p>15 Did you ever get another write-up?</p> <p>16 A. Not to my knowledge.</p> <p>17 Q. Were you late but still not</p> <p>18 given a write-up?</p> <p>19 A. I was late, yes.</p> <p>20 Q. But there were no further</p> <p>21 repercussions on your employment?</p> <p>22 A. Well, I don't know. Not to my</p> <p>23 knowledge, yeah.</p> <p>24 Q. So the only way you weren't</p> <p>25 accommodated was they asked you not to</p> <p>Page 100</p>
<p>1 K. MIKHAYLOVA</p> <p>2 matter?</p> <p>3 A. I don't understand that.</p> <p>4 Q. Have you given it to your</p> <p>5 attorney so she can give it to me?</p> <p>6 A. I believe I have.</p> <p>7 Q. After you got this accommodation</p> <p>8 or you got this paperwork in, Macy's tells</p> <p>9 you or Bloomingdale's tells you they got</p> <p>10 it. Did think, in fact, accommodate your</p> <p>11 pregnancy at that time?</p> <p>12 A. No. I still wasn't allowed to</p> <p>13 sit down. I still wasn't allowed to lean.</p> <p>14 I was asked even by Cathy when I did lean</p> <p>15 that I have to stand up straight and that</p> <p>16 I couldn't lean. So, they didn't really</p> <p>17 accommodate me.</p> <p>18 Q. Were you allowed to come in late</p> <p>19 without issue?</p> <p>20 A. They gave me an issue about it.</p> <p>21 Q. What issue?</p> <p>22 A. That's why they kept asking me</p> <p>23 why I am coming in late. I told them I</p> <p>24 was sick.</p> <p>25 Q. Anything else?</p> <p>Page 99</p>	<p>1 K. MIKHAYLOVA</p> <p>2 lean or sit if you were standing on the</p> <p>3 floor?</p> <p>4 A. Correct. And I was always</p> <p>5 questioned as to why I was late when they</p> <p>6 knew I was sick and pregnant.</p> <p>7 Q. That's the word accommodate --</p> <p>8 A. Correct. They didn't say you</p> <p>9 can sit upstairs on the tenth floor if I</p> <p>10 wanted to sit down. Nothing was easy.</p> <p>11 There was no water provided to me. They</p> <p>12 didn't give me any list of what I could</p> <p>13 and could not do. I remember in Prada I</p> <p>14 was pregnant with my daughter and I told</p> <p>15 the manager. They give you a list of</p> <p>16 things that I am entitled to. I never</p> <p>17 received a list, never received anything</p> <p>18 from them.</p> <p>19 Q. That maybe Prada's process. We</p> <p>20 are talking about Bloomingdale's process?</p> <p>21 A. Correct.</p> <p>22 Q. In your recollection doctor said</p> <p>23 you should be able to come in late and sit</p> <p>24 and take breaks as needed?</p> <p>25 A. Correct.</p> <p>Page 101</p>

<p>1 K. MIKHAYLOVA</p> <p>2 Q. Did anyone tell you they did not</p> <p>3 want you breaking on the floor but if you</p> <p>4 want you can go up to the employee lounge</p> <p>5 and sit down?</p> <p>6 A. I don't remember anyone telling</p> <p>7 me that.</p> <p>8 Q. There is no place to sit on the</p> <p>9 floor, correct?</p> <p>10 A. You can go behind the closet and</p> <p>11 sit there. You can lean. Actually, there</p> <p>12 is chairs on the floor so yes, you can sit</p> <p>13 on the floor.</p> <p>14 Q. Did they ask you not to sit on</p> <p>15 the floor but to go --</p> <p>16 A. They didn't tell me.</p> <p>17 Q. Normally if you take a break you</p> <p>18 don't take a break sitting on the floor,</p> <p>19 you would be off the floor, correct?</p> <p>20 A. Yes.</p> <p>21 Q. Anything else you asked for as</p> <p>22 far as accomodation?</p> <p>23 A. Not that I recall.</p> <p>24 Q. You said people asked you if you</p> <p>25 came late why are you late and you said</p> <p style="text-align: right;">Page 102</p>	<p>1 K. MIKHAYLOVA</p> <p>2 it. And I told Chris, I said well, you</p> <p>3 guys allowed me to do so. I went to you</p> <p>4 guys and I said I was uncomfortable doing</p> <p>5 this because she is placing many orders</p> <p>6 for to these bags and she has other people</p> <p>7 calling me and placing orders for these</p> <p>8 bags and you said as long as it is</p> <p>9 approved by the cash office and you get a</p> <p>10 sticker of verification that you can</p> <p>11 process it, then you can go ahead and do</p> <p>12 so.</p> <p>13 Q. Who was the person you spoke to</p> <p>14 in loss prevention?</p> <p>15 A. I believe it was David. I don't</p> <p>16 recall his name. It was a guy with</p> <p>17 moustache. I don't recall his name.</p> <p>18 Q. Do you know what his position</p> <p>19 was in asset protection?</p> <p>20 A. He was dealing with external --</p> <p>21 external theft. I know you guys have</p> <p>22 internal and external when I was there.</p> <p>23 And I made sure because I felt</p> <p>24 uncomfortable because the lady had</p> <p>25 different -- she was giving out my number.</p> <p style="text-align: right;">Page 104</p>
<p>1 K. MIKHAYLOVA</p> <p>2 morning sickness. Other than those kind</p> <p>3 of questions, did anyone ever mention your</p> <p>4 pregnancy in a negative way?</p> <p>5 A. Not that I'm aware of.</p> <p>6 Q. When were you showing? When was</p> <p>7 it obvious you were pregnant?</p> <p>8 A. Already in -- let's say in the</p> <p>9 beginning of April.</p> <p>10 Q. Before the conversations with</p> <p>11 Chris Castellani, had you ever had any</p> <p>12 interaction with loss prevention or asset</p> <p>13 protection?</p> <p>14 A. Yes, one time.</p> <p>15 Q. When?</p> <p>16 A. It was for a phone order that</p> <p>17 they approved, the cash office approved.</p> <p>18 I went to Chris, not Chris, a manager and</p> <p>19 told him this lady keeps calling me for</p> <p>20 the same thing, different addresses. I</p> <p>21 don't feel comfortable sending her all</p> <p>22 this merchandise. They said well, if the</p> <p>23 cash office approves it then you can go</p> <p>24 ahead and send it. And, of course, I got</p> <p>25 questioned for it after why I was sending</p> <p style="text-align: right;">Page 103</p>	<p>1 K. MIKHAYLOVA</p> <p>2 She had people calling me but I knew it</p> <p>3 was the same, sending to different</p> <p>4 addresses. And cash office kept approving</p> <p>5 it. Then I was like I said listen, this</p> <p>6 is it. I am just letting you that is what</p> <p>7 is happening. And they said as long as</p> <p>8 this is approved by the cash office, they</p> <p>9 check the address of the customer. I was</p> <p>10 shipping it to the same billing, same</p> <p>11 shipping. But then I felt like something</p> <p>12 was wrong and then they questioned me</p> <p>13 about it.</p> <p>14 Q. At one point in time, and we</p> <p>15 will look at the records in a little bit</p> <p>16 you had the highest fraud transactions in</p> <p>17 the company?</p> <p>18 A. I don't know how --</p> <p>19 MS. MENDOZA: Objection.</p> <p>20 You can answer.</p> <p>21 A. No, I was not aware of that. It</p> <p>22 was probably because of this lady that I</p> <p>23 let them know but I was not aware of that</p> <p>24 at all.</p> <p>25 Q. We will look at the numbers</p> <p style="text-align: right;">Page 105</p>

<p>1 K. MIKHAYLOVA</p> <p>2 later.</p> <p>3 A. And just so you know, when</p> <p>4 people came and swiped cards, I called</p> <p>5 security all the time on that to let them</p> <p>6 know. If security is not doing their job</p> <p>7 and whatever and they are allowing me --</p> <p>8 you want me to take accountability for</p> <p>9 doing what they are telling me to do. I</p> <p>10 mean, that's just insane. I called</p> <p>11 security multiple times every time</p> <p>12 somebody came in that I felt they were</p> <p>13 buying too fast or looked suspicious, they</p> <p>14 would come, they would let me swipe. And</p> <p>15 now I am being accused of fraud. This is</p> <p>16 insane.</p> <p>17 Q. Are you familiar with the</p> <p>18 re-connective system?</p> <p>19 A. Yes. Somewhat.</p> <p>20 Q. State for the record what that</p> <p>21 that was?</p> <p>22 A. It was system where you can</p> <p>23 outreach to clients.</p> <p>24 Q. And clients that were in the</p> <p>25 reconnected could have sent orders as</p> <p>Page 106</p>	<p>1 K. MIKHAYLOVA</p> <p>2 never.</p> <p>3 Q. If it is a memo order sale you</p> <p>4 have to send it, you have to mail it?</p> <p>5 A. Absolutely. They have to be</p> <p>6 mailed to -- shipping and billing is the</p> <p>7 same. Unless the person is present and</p> <p>8 they want it shipped but you don't have do</p> <p>9 memo for that because they are swiping the</p> <p>10 card in person.</p> <p>11 Q. This lady that you told AP</p> <p>12 about, was she going through the memo</p> <p>13 order process or were you going?</p> <p>14 A. Absolutely, absolutely.</p> <p>15 Q. Was she using different credit</p> <p>16 cards or --</p> <p>17 A. Yes. I had her friends call me</p> <p>18 and I knew. They all sounded the same.</p> <p>19 It wasn't the same person but it was like</p> <p>20 oh, she sent me to order this bag from</p> <p>21 you. It was going to different address --</p> <p>22 different people.</p> <p>23 Q. She wasn't calling with</p> <p>24 different credit cards. She would have</p> <p>25 people call you with their credit cards --</p> <p>Page 108</p>
<p>1 K. MIKHAYLOVA</p> <p>2 well, correct?</p> <p>3 A. I don't remember. I didn't use</p> <p>4 reconnect too much. I think when I was</p> <p>5 there, reconnect was not like -- I don't</p> <p>6 recall using reconnect that much at all.</p> <p>7 I probably didn't even have clients at</p> <p>8 reconnect if you want to check my history.</p> <p>9 Q. Are you familiar with memo order</p> <p>10 system?</p> <p>11 A. Yes, I am.</p> <p>12 Q. Explain for the record what that</p> <p>13 is, please?</p> <p>14 A. You take down the client's</p> <p>15 information. Billing and shipping must be</p> <p>16 the same. You take it upstairs to the</p> <p>17 cash office on the tenth floor and you</p> <p>18 wait for them to have, I guess an approval</p> <p>19 code to get a sticker for you to scan a</p> <p>20 sticker. We were never allowed to input</p> <p>21 any numbers into the system.</p> <p>22 Q. They would actually approve and</p> <p>23 send it back to you?</p> <p>24 A. Correct. I have never used</p> <p>25 anything without their approval ever,</p> <p>Page 107</p>	<p>1 K. MIKHAYLOVA</p> <p>2 A. She placed an order herself and</p> <p>3 then she would have other people calling</p> <p>4 me to place order -- like for them to act</p> <p>5 like they are new customers and they want</p> <p>6 to buy this bag and this bag.</p> <p>7 Q. And then you would go through</p> <p>8 the memo process with them?</p> <p>9 A. Yes. And ship it only to</p> <p>10 billing and shipping the same and get an</p> <p>11 approval from the cash office upstairs.</p> <p>12 Q. What about it was suspicious</p> <p>13 that made you concerned?</p> <p>14 A. Well, because how are all your</p> <p>15 friends coming to me and asking me to send</p> <p>16 it. This is concerning that they are all</p> <p>17 buying this merchandize. That's when I</p> <p>18 went to loss prevention. I said listen,</p> <p>19 they are all calling me, this one person</p> <p>20 got my number. I mean, they were calling</p> <p>21 the store as well. It was just easier</p> <p>22 access. I guess she was giving out my</p> <p>23 number. They were all I believe going to</p> <p>24 Texas. If I'm not mistaken, they were all</p> <p>25 going to Texas. So that's another red</p> <p>Page 109</p>

28 (Pages 106 - 109)

1 K. MIKHAYLOVA
2 flag. They are all going to different
3 people, different names but -- and I am
4 doing a memo. He told me are you going to
5 the cash office. I said of course, I am
6 going to the cash office but just because
7 I am going to the cash office doesn't mean
8 there is nothing fishy about it. And he
9 said well, as long as you are getting it
10 approved by the cash office, those were
11 his exact words. He checked a few of the
12 addresses I gave him and he says okay,
13 well, on their record it shows that's
14 their right address. As long as you are
15 shipping there, you should be fine.
16 Obviously, I wasn't fine.
17 Q. Do you know how long David had
18 worked for AP or anything about him?
19 A. His name -- I recall his name
20 being David. That might have not been his
21 name. I can definitely identify him. I
22 remember how he looks like, but I don't
23 know how long he's worked there.
24 Q. Did you talk to anyone else in
25 AP about this issue?

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1 K. MIKHAYLOVA
2 A. It was him and two other people.
3 I specifically went upstairs to their
4 office to bring it to their attention. I
5 just recall him but there were two other
6 people there when I was talking. They
7 told me the same thing. They said are you
8 going to the cash office. I said of
9 course. But just because I am going to
10 the cash office and getting it approved
11 doesn't mean that something might not be
12 wrong. As long as we have that paperwork
13 to back it up that you are doing the right
14 thing, you don't have anything to worry
15 about. And that's their words to me.
16 Q. Did you ever have any
17 discussions with Richard Law other than
18 those conversations around your
19 termination?
20 A. I don't recall.
21 Q. Did you remember who Richard Law
22 was?
23 A. I remember he was in HR.
24 Q. Did you ever deal with a person
25 in HR by the name of Timbite Yonas?

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1 K. MIKHAYLOVA
2 A. I don't recall.
3 MS. TIERNEY: T-I-M-B-I-T-E,
4 Y-O-N-A-S.
5 A. I don't recall.
6 Q. I may have asked you this, I
7 apologize. Have you ever had a
8 conversation with Chris Castellani before
9 he interviewed you the first time?
10 A. Before the incident with phone
11 order?
12 Q. Yes.
13 A. No.
14 Q. You, in fact, had two interviews
15 with loss prevention, correct?
16 A. Correct.
17 Q. Were both of them with Chris
18 Castellani?
19 A. Yes.
20 Q. Was the witness Shanine Gray in
21 both instances?
22 A. I don't recall. She may have
23 been in the last one. I don't remember if
24 she was on the first one.
25 Q. Let's go with the first one. Do

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1 K. MIKHAYLOVA
2 you recall conversations with her?
3 A. Do I recall -- I couldn't hear
4 you.
5 Q. Do you recall when the first
6 conversation with Chris Castellani
7 occurred?
8 A. I don't recall the date. I
9 don't recall the first time when it was.
10 Q. How did you end up in AP in the
11 office -- strike that.
12 I assume that, first of all, the
13 conversation occurred in the office?
14 A. Yes. Somebody came to get me
15 downstairs. I finished selling and they
16 pulled me upstairs to the site. They were
17 like oh, we need to ask you a few
18 questions. That was the first
19 conversation. I said sure and I went
20 upstairs.
21 Q. And that was with Chris
22 Castellani and someone else you don't
23 recall?
24 A. Correct.
25 Q. What was the conversation? What

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<p>1 K. MIKHAYLOVA</p> <p>2 happened during the conversation? What do</p> <p>3 you recall?</p> <p>4 A. I recall him telling me do you</p> <p>5 remember this transaction. I said very</p> <p>6 well. He said this lady was sending stuff</p> <p>7 and, you know, it is fraudulent. I said</p> <p>8 well, you know, I made that aware to you</p> <p>9 guys that it was fraudulent. Well, no.</p> <p>10 Wait. I said I went to you guys to have</p> <p>11 it checked and before I had it checked,</p> <p>12 everything went through the cash office.</p> <p>13 I said everything on my part I did. I</p> <p>14 even made you guys aware that this lady</p> <p>15 was sending me clients. That's what I</p> <p>16 recall having in that conversation. He</p> <p>17 asked me do I know her personally. I said</p> <p>18 absolutely not. I met the person. She</p> <p>19 called the store and that's how she got my</p> <p>20 number because I answered the phone. He</p> <p>21 asked me am I aware of what I was doing</p> <p>22 trying to say maybe I had some interaction</p> <p>23 with the lady. I said absolutely not, I</p> <p>24 have no idea who this lady is. I guess he</p> <p>25 was thinking I was doing this on purpose.</p> <p>Page 114</p>	<p>1 K. MIKHAYLOVA</p> <p>2 Q. First page is Margaret Roberts</p> <p>3 and it is Hickman Street, Dallas, Texas.</p> <p>4 Do you know if this was the lady that was</p> <p>5 --</p> <p>6 A. I don't recall the name but it</p> <p>7 is from Texas. It might have been the</p> <p>8 lady.</p> <p>9 Q. This is a pretty big exhibit.</p> <p>10 It is something we produced to your</p> <p>11 counsel last week. Was this the subject</p> <p>12 of the first conversation with Chris</p> <p>13 Castellani?</p> <p>14 A. Yes, I believe so. That was</p> <p>15 about the lady in Texas, yes.</p> <p>16 Q. Let me just kind of go through</p> <p>17 this. It may take us a while because it</p> <p>18 is 124 pages. Here's the second one.</p> <p>19 Pamela --</p> <p>20 A. Yes.</p> <p>21 Q. We can go through the whole</p> <p>22 thing and if you want to take a look over</p> <p>23 the break and take a look at it longer?</p> <p>24 A. Okay.</p> <p>25 Q. This is --</p> <p>Page 116</p>
<p>1 K. MIKHAYLOVA</p> <p>2 But absolutely not, I would never</p> <p>3 jeopardize my job for that crap. Sorry.</p> <p>4 Q. Did he talk about other</p> <p>5 transactions or just one in particular?</p> <p>6 A. Well, it was a whole thing of</p> <p>7 transactions going to Texas so it wasn't</p> <p>8 the same person.</p> <p>9 Q. I want to show you an exhibit.</p> <p>10 A. Okay.</p> <p>11 Q. I am going to ask to mark</p> <p>12 Exhibit A Document 2056 to 2079. This</p> <p>13 will be a group exhibit. I will share the</p> <p>14 screen.</p> <p>15 (Whereupon, Document 2056 to</p> <p>16 2079 was marked as Defendant's Exhibit</p> <p>17 A for identification as of this date.)</p> <p>18 Q. Can you see my screen?</p> <p>19 A. Yes.</p> <p>20 Q. This is a group exhibit. Do you</p> <p>21 recognize this?</p> <p>22 A. Yes.</p> <p>23 Q. Do you recognize that this is a</p> <p>24 memo order form?</p> <p>25 A. Yes.</p> <p>Page 115</p>	<p>1 K. MIKHAYLOVA</p> <p>2 A. It looks like the same person</p> <p>3 because they are all going to Texas.</p> <p>4 Q. This one, this is all different</p> <p>5 addresses?</p> <p>6 A. Yeah, they are different people</p> <p>7 because she had different people calling</p> <p>8 me. Whatever address was on that a memo,</p> <p>9 I was sending it to that address.</p> <p>10 Q. Let me ask you this. This</p> <p>11 ticket says suspended. Does that mean</p> <p>12 what --</p> <p>13 A. It means I was trying to ring it</p> <p>14 up and maybe her card declined and I had</p> <p>15 to contact the client to tell her her card</p> <p>16 was declined. This really doesn't mean</p> <p>17 anything.</p> <p>18 Q. There was a Ruth Rusch who was</p> <p>19 also in Dallas?</p> <p>20 A. Yes.</p> <p>21 Q. This is Ruth Thomas at Sabrina</p> <p>22 -- Drive?</p> <p>23 A. Yes. That's when I went to</p> <p>24 them. They are changing names but they</p> <p>25 have similar addresses and they are all in</p> <p>Page 117</p>

<p>1 K. MIKHAYLOVA</p> <p>2 Texas.</p> <p>3 Q. Then you have Ruth Rusch again</p> <p>4 and Ruth Thomas, same address. Do you</p> <p>5 remember any of those names in particular,</p> <p>6 Ms. Mikhaylova?</p> <p>7 A. I don't remember exactly the</p> <p>8 names. I didn't have them in my phone.</p> <p>9 Whatever I put there is that they told me</p> <p>10 is their address.</p> <p>11 Q. Do you remember if Mr.</p> <p>12 Castellani went through this group of --</p> <p>13 A. He wasn't as detailed as you are</p> <p>14 now and wasn't showing me the receipts but</p> <p>15 he was showing me all these addresses.</p> <p>16 This is what I told them, this is why I</p> <p>17 went to HR and I didn't want an issues</p> <p>18 with that.</p> <p>19 Q. When you said you went to HR --</p> <p>20 A. I'm sorry, I'm sorry. I went to</p> <p>21 AP. I'm sorry. Yeah, there was a lot of</p> <p>22 transactions.</p> <p>23 Q. Here's the Hickman address</p> <p>24 address but this is Edith Selir.</p> <p>25 A. Okay. I don't even know how</p> <p>Page 118</p>	<p>1 K. MIKHAYLOVA</p> <p>2 Q. And is this what would happen?</p> <p>3 You would send this type of form?</p> <p>4 A. Yes. I would pick the form</p> <p>5 upstairs myself to the cash office. They</p> <p>6 would get an approval and they would put a</p> <p>7 sticker on it. The sticker is just</p> <p>8 basically, if you scan the sticker, you</p> <p>9 weren't allowed to input any credit card</p> <p>10 information.</p> <p>11 Q. Would it come with these blacked</p> <p>12 out --</p> <p>13 A. From what I remember, it was</p> <p>14 blacked out with a sticker on.</p> <p>15 Q. And the sticker is what you</p> <p>16 would use to ring the transaction and it</p> <p>17 would get charged on the proper card?</p> <p>18 A. Yes.</p> <p>19 MS. MENDOZA: Can you guys give</p> <p>20 me a moment?</p> <p>21 MS. TIERNEY: Sure. Let's take</p> <p>22 five minutes. That's fine.</p> <p>23 (Whereupon, a short recess was</p> <p>24 taken from 12:36 p.m. to 12:43 p.m.)</p> <p>25 MS. TIERNEY: Back on the</p> <p>Page 120</p>
<p>1 K. MIKHAYLOVA</p> <p>2 they were getting approved but they looked</p> <p>3 like, when I gave the guy the information,</p> <p>4 he looked and the address was linked to</p> <p>5 their credit card. This is not the tenth</p> <p>6 floor. Tenth floor, I was just giving the</p> <p>7 stuff to. But when I went to loss</p> <p>8 prevention, I gave them the address and</p> <p>9 they looked in their system and that</p> <p>10 person was linked to that credit card with</p> <p>11 that address.</p> <p>12 Q. And employee ID 72061886 is your</p> <p>13 number, right?</p> <p>14 A. Yes.</p> <p>15 Q. And that's your Bloomingdale's</p> <p>16 associate number?</p> <p>17 A. Yes.</p> <p>18 Q. Here is another Hickman address</p> <p>19 that is Dorothy --</p> <p>20 A. That doesn't look like my</p> <p>21 handwriting though. It looks like</p> <p>22 somebody wrote it out for me. Doesn't</p> <p>23 look like my handwriting. It does look</p> <p>24 like it is under my number. That's not my</p> <p>25 handwriting though. Weird. Okay.</p> <p>Page 119</p>	<p>1 K. MIKHAYLOVA</p> <p>2 record.</p> <p>3 MS. MENDOZA: I just want to put</p> <p>4 my objection on the record. I want to</p> <p>5 note that plaintiff has not reviewed</p> <p>6 the documents in the previous exhibit</p> <p>7 that was shown because we were unable</p> <p>8 to access the link but she will have</p> <p>9 an opportunity to look at it during</p> <p>10 the break.</p> <p>11 Q. Ms. Mikhaylova, do these look</p> <p>12 like at least some of the addresses and</p> <p>13 things that Mr. Castellani was talking to</p> <p>14 you about in that first interview?</p> <p>15 A. Yes.</p> <p>16 Q. You will be looking at those</p> <p>17 over break and if you want to add</p> <p>18 anything, we can review then.</p> <p>19 After you after you tell Mr.</p> <p>20 Castellani that you had reported this to</p> <p>21 AP, you had some concerns, what was his</p> <p>22 response if any?</p> <p>23 A. Okay. We are going to</p> <p>24 definitely investigate this matter. I</p> <p>25 said please do. That's it.</p> <p>Page 121</p>

<p>1 K. MIKHAYLOVA 2 Q. Did you first any write-ups, any 3 penalty, any punishments as a result of 4 that conversation? 5 A. No. 6 Q. During those conversations did 7 Mr. Castellani inform you that you have 8 the highest fraud transactions that you 9 rang in the company and in the company, I 10 mean in Macy's not just Bloomingdale's? 11 A. No. I don't know how that is 12 possible. My number isn't high. But no, 13 he did not tell me that. 14 Q. Do you have any knowledge of the 15 percentage of the rings that were 16 fraudulent? Do you have any knowledge? 17 MS. MENDOZA: Objection. 18 You can answer. 19 A. No, I have no knowledge. 20 Q. How long was it in between 21 conversations with Mr. Castellani? I 22 think you said there were two, correct? 23 A. Correct. 24 Q. When was the next conversation? 25 How long after the first conversation?</p> <p style="text-align: right;">Page 122</p>	<p>1 K. MIKHAYLOVA 2 amount of fraudulent transactions you had 3 rung? 4 A. No. Not to my knowledge. It 5 was about all these transactions going to 6 Texas and that's what was the focus on, 7 the Texas transactions. 8 Q. Do you know how it came to his 9 attention? 10 A. It was a big amount. 11 Q. It was a big amount? 12 A. Yes. 13 Q. So he did say that? 14 A. Well, just to the sense, yes. 15 Not general. It was in regard to the 16 sense. 17 Q. Did he say anything to suggest 18 you have the highest fraudulent sends of 19 anybody in the company? 20 A. No, he did not. 21 Q. There were no repercussions; he 22 accepted your version of the events? 23 A. He never came back to me with 24 it, yes. 25 Q. You have no first-hand knowledge</p> <p style="text-align: right;">Page 124</p>
<p>1 K. MIKHAYLOVA 2 A. It was long after before they 3 decided to -- it was before my 4 termination. Two weeks prior to my 5 termination. 6 Q. Was it like the couple of 7 months, was it a week? 8 A. Couple of months. 9 Q. During the time -- strike that. 10 Did Mr. Castellani tell you how 11 it came to his attention about these 12 addresses in the first conversation? Did 13 he tell you how it came up to him? 14 A. No. 15 Q. Did he tell you anything about 16 the credit card arm of the company in Ohio 17 that flagged your account or these 18 transactions, anything of that nature? 19 A. Hold on. How did they flag my 20 account? I don't understand. 21 Q. I am asking you if he said 22 anything of that nature to you? 23 A. No, he did. 24 Q. Did he say that you had been 25 pulled in for interview because of the</p> <p style="text-align: right;">Page 123</p>	<p>1 K. MIKHAYLOVA 2 as to how this came to Chris Castellani's 3 attention? 4 A. No. 5 MS. MENDOZA: Objection. 6 You can answer. 7 Q. Do you know if Denis Diaz had 8 anything to do with this? 9 A. No, I have no idea. 10 Q. Do you know if Cathy Younis had 11 anything to do with this? 12 A. I wouldn't know that. 13 Q. Did Mr. Castellani mention 14 either of them in his conversation with 15 you? 16 A. No, not to my knowledge. 17 Q. Couple of months you had a 18 second conversation. Tell me how that 19 came about? 20 A. I just finished ringing up a 21 sale and I remember Justin, he pulled me 22 from the floor quietly. And he said just 23 come with me for a second. That was how 24 he approached me. 25 Q. I'm sorry, who was it that</p> <p style="text-align: right;">Page 125</p>

1 K. MIKHAYLOVA
2 called you?
3 A. Justin. He was part of loss
4 prevention.
5 Q. Is Justin the person you spoke
6 to perhaps in the past --
7 A. No, no.
8 Q. That was the name I did not hear
9 you mention before.
10 A. I just remember his name being
11 Justin. I remember this guy. He pulled
12 me to the side very quietly. First time
13 when I was pulled, the whole team saw it.
14 This time it was very quietly. He said we
15 just want to ask you some things. I said
16 okay, sure. So I went ahead. Then he
17 took me to upstairs to his office. Then
18 here comes out Chris and the other young
19 lady, I don't remember her name. They are
20 like sit down. So I sit down. If I had
21 known -- I should have been able to take
22 a union rep. They didn't ask me if I
23 wanted a union rep. I didn't even have
24 time to decide. They just told me to sit
25 down, I have something to show you. I

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1 K. MIKHAYLOVA
2 said okay. That's when they started
3 questioning me about the transaction. I
4 mean about my buys.
5 Q. This was your personal
6 purchases?
7 A. Correct. Nothing to do with
8 fraudulent activity.
9 Q. Do you recall the part of the
10 conversation centered around the fact that
11 you were sending things to out of state
12 and they were like five or six different
13 addresses?
14 A. I remember something like that,
15 yes.
16 Q. During the course of this
17 conversation you admitted to Chris
18 Castellani that you were sending things
19 out of state to avoid taxes, correct?
20 A. Well, he forced me to say that.
21 That's number one. Number two is --
22 Q. How did he force you to say
23 that?
24 A. He said, he said you were -- so
25 you were -- he was like so you were

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1 K. MIKHAYLOVA
2 sending things. I said no, because -- I
3 was sending things -- the things he was
4 showing me, I was sending it to my
5 clients. He was like so you were sending
6 it to them and not paying taxes. I said
7 well, they live in states that don't pay
8 taxes. So, yeah. So, he forced me to say
9 it. But yes, I did have that conversation
10 with him in regards to me sending things
11 and not paying tax, correct.
12 Q. I think you testified earlier
13 that you, in fact, sent some of these
14 items to avoid paying taxes. Did I
15 misunderstand that?
16 A. No, you did not.
17 Q. You said he forced you to --
18 A. We were talking about
19 transactions that I was sending to my
20 clients, gifts. So he was telling me so
21 you weren't paying taxes on them. I said
22 correct. He said okay, so you sent them
23 to avoid paying taxes. I said well,
24 things that were sent to me. But things
25 sent to them were gifts and we were

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1 K. MIKHAYLOVA
2 allowed to do that.
3 Q. Your testimony is you told Chris
4 Castellani that you had been authorized to
5 do that?
6 A. Correct. I told him that too.
7 I told him I was allowed to do so. Some
8 of the transactions were rang by them.
9 Nobody stopped me from sending to those
10 states. And also, I know you don't want
11 to hear this but when I worked at Saks, if
12 you sent to a tax free state they are
13 automatically going to contact AP. Why is
14 Bloomingdale's not having a system to not
15 allow you to do that. That means they are
16 allowing you to send to tax free states
17 because everybody was sending to tax free
18 states, employees, customers, everybody.
19 I was just doing what everybody was
20 allowed to do. I know you don't want to
21 hear this but --
22 Q. I don't think it is relevant.
23 The issue is did Chris Castellani tell you
24 that it was against policy to send items
25 for your personal use out of state for the

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<p>1 K. MIKHAYLOVA</p> <p>2 purpose of avoiding taxes?</p> <p>3 A. I don't recall him indicating</p> <p>4 that.</p> <p>5 Q. Did you give him the names of</p> <p>6 any managers that he could talk to who had</p> <p>7 approved --</p> <p>8 A. I absolutely did.</p> <p>9 Q. Who did you tell?</p> <p>10 A. I told him it was Denis Diaz.</p> <p>11 Under Viktoria I wasn't even shipping and</p> <p>12 buying anything.</p> <p>13 Q. You said Denis never told you</p> <p>14 that but he rang for you out of the state;</p> <p>15 is that correct?</p> <p>16 A. Yes.</p> <p>17 Q. Other than Denis Diaz, did you</p> <p>18 give him any other names?</p> <p>19 A. No.</p> <p>20 Q. Did Chris Castellani tell you</p> <p>21 during this meeting how this came to his</p> <p>22 attention?</p> <p>23 A. No, he did not.</p> <p>24 Q. Do you know if Denis Diaz had</p> <p>25 anything to do with bringing this to</p> <p>Page 130</p>	<p>1 K. MIKHAYLOVA</p> <p>2 A. I believe so. It is either 5th</p> <p>3 or 6th.</p> <p>4 Q. When do you next hear from HR or</p> <p>5 anyone in management?</p> <p>6 A. I was contacting them almost</p> <p>7 every day after the incident happened.</p> <p>8 They kept telling me oh, no, we don't have</p> <p>9 an answer for you. We don't have an</p> <p>10 answer for you. Finally, I left numerous</p> <p>11 messages to Mr. Law and he returned my</p> <p>12 call. He said okay, we can meet at such</p> <p>13 and such date to discuss the further</p> <p>14 steps.</p> <p>15 Q. At one point you sent an e-mail</p> <p>16 to Mr. Law asking asking if your pregnancy</p> <p>17 had something to do with this situation?</p> <p>18 A. Correct.</p> <p>19 Q. Why?</p> <p>20 A. Because I felt like ever since I</p> <p>21 announced that I am pregnant and I need</p> <p>22 accommodation, this is when all the</p> <p>23 problems happened because I never had no</p> <p>24 issues before. I have been buying since</p> <p>25 what -- December. They have only started</p> <p>Page 132</p>
<p>1 K. MIKHAYLOVA</p> <p>2 Castellani?</p> <p>3 A. I would have no idea on that.</p> <p>4 Q. Fair enough. How about Cathy</p> <p>5 Younis, do you know if she had anything to</p> <p>6 do with --</p> <p>7 A. I would have no idea.</p> <p>8 Q. How did the meeting with Mr.</p> <p>9 Castellani the second time end?</p> <p>10 A. He said okay. He said I will be</p> <p>11 suspended for the rest of the day, that HR</p> <p>12 will contact me tomorrow. Once the</p> <p>13 investigation is done we will follow up</p> <p>14 with the next steps. I asked him am I</p> <p>15 getting fired for this. I said you are</p> <p>16 firing me for something that I was allowed</p> <p>17 to do. He said well, no, I am not telling</p> <p>18 you that. I am just telling you these are</p> <p>19 the next steps and they will contact you</p> <p>20 and let you know what is next.</p> <p>21 Q. I assume you go home and you</p> <p>22 leave the store?</p> <p>23 A. Correct.</p> <p>24 Q. I think this was June 6th of</p> <p>25 2017; is that correct?</p> <p>Page 131</p>	<p>1 K. MIKHAYLOVA</p> <p>2 questioning me about this -- in May or</p> <p>3 June they fired me for purchases that I</p> <p>4 made in February. So why is it right</p> <p>5 after I tell you I am pregnant and I need</p> <p>6 accommodation, you all of a sudden open an</p> <p>7 investigation about me. I wasn't stealing</p> <p>8 products. I was doing what I was allowed</p> <p>9 to do and what everybody else in the</p> <p>10 boutique was doing. Everybody else was</p> <p>11 allowed. I personally never seen anyone</p> <p>12 fired. Staff people were buying 100,000</p> <p>13 worth of merchandize, nobody was even</p> <p>14 questioning them but they see a pregnant</p> <p>15 woman buying and now you want to know</p> <p>16 where my money is coming from. I'm sorry,</p> <p>17 that's not okay.</p> <p>18 Q. Do you know if Chris Castellani</p> <p>19 knew you had asked for accomodation?</p> <p>20 A. I wouldn't know that. I</p> <p>21 wouldn't know.</p> <p>22 Q. Do you know if Chris Castellani</p> <p>23 knew you had asked for a leave of absence?</p> <p>24 A. I wouldn't know that.</p> <p>25 Q. Do you know if you had any</p> <p>Page 133</p>

<p>1 K. MIKHAYLOVA</p> <p>2 conversation with Cathy Younis or Denis</p> <p>3 Diaz about your request for accomodation</p> <p>4 or need for leave of absence?</p> <p>5 A. I wouldn't know that.</p> <p>6 Q. You have no knowledge, right?</p> <p>7 A. I have no knowledge.</p> <p>8 Q. Other than the timing, I am</p> <p>9 pregnant now and all of a sudden I am</p> <p>10 having an AP conversation, that's your</p> <p>11 evidence that this is related to</p> <p>12 pregnancy --</p> <p>13 A. It wasn't all the AP. They</p> <p>14 canceled my -- they stopped me from using</p> <p>15 my card. Why did it take you two months</p> <p>16 to do this investigation. Why didn't you</p> <p>17 come to me -- it was definitely over six</p> <p>18 weeks. Why didn't you come to me and ask</p> <p>19 me. Why did you do all that. Why did you</p> <p>20 have to start as soon as I told you guys I</p> <p>21 need accomodation. I never had no issues</p> <p>22 before besides that issues with the phone</p> <p>23 with the lady to Texas which they came to</p> <p>24 me after, which I told them I had gotten</p> <p>25 approved as well as I went to AP to bring</p> <p>Page 134</p>	<p>1 K. MIKHAYLOVA</p> <p>2 unless it is a Bloomingdale's card that</p> <p>3 they are using, even though I could think</p> <p>4 they are fraud or they know they are</p> <p>5 fraud, they cannot stop the client from</p> <p>6 buying.</p> <p>7 Q. Other than the termination and</p> <p>8 the two conversations with asset</p> <p>9 protection, was there anything, and I know</p> <p>10 you were eventually terminated because of</p> <p>11 that, was there anything else that</p> <p>12 happened in Bloomingdale's that you think</p> <p>13 was discriminatory?</p> <p>14 A. No, I don't remember.</p> <p>15 Q. You don't know how either</p> <p>16 investigation started, right?</p> <p>17 A. No.</p> <p>18 Q. Do you know if the people who</p> <p>19 started the investigation knew if you were</p> <p>20 pregnant?</p> <p>21 A. I mean, would they have told me</p> <p>22 that, no. I mean, I wouldn't know. I</p> <p>23 looked pregnant so I knew I was pregnant.</p> <p>24 I don't know what they knew. I don't know</p> <p>25 what knowledge they had.</p> <p>Page 136</p>
<p>1 K. MIKHAYLOVA</p> <p>2 it to their attention. And even customers</p> <p>3 that were coming to Bloomingdale's that I</p> <p>4 thought were suspicious, I called AP to</p> <p>5 come down but according to them, they</p> <p>6 said unless they are using a</p> <p>7 Bloomingdale's card they cannot arrest the</p> <p>8 people whether or not I think they are</p> <p>9 fraud. But there is no way of stopping</p> <p>10 them. But now I am to blame for that --</p> <p>11 and this is offensive to me.</p> <p>12 Q. You said something there about</p> <p>13 stop using your card. What does that</p> <p>14 mean?</p> <p>15 A. So, when I saw a client that</p> <p>16 came in that I thought was suspicious or</p> <p>17 using a fraudulent credit card, I would</p> <p>18 immediately call loss prevention for them</p> <p>19 to come down. So they would come down and</p> <p>20 they would do nothing about it so I would</p> <p>21 ring the sale. I mean, they -- stop doing</p> <p>22 what they are allowing me to do, telling</p> <p>23 me to do because I can't just use the fact</p> <p>24 that I think they are suspicious and I</p> <p>25 can't ring. So they explained to me that</p> <p>Page 135</p>	<p>1 K. MIKHAYLOVA</p> <p>2 Q. If the investigation started</p> <p>3 outside of the New York area because of</p> <p>4 reports and other things and the people</p> <p>5 had never met you, then it would not be</p> <p>6 related to your pregnancy. Would you</p> <p>7 agree with that?</p> <p>8 MS. MENDOZA: Objection.</p> <p>9 You can answer.</p> <p>10 Q. You can answer.</p> <p>11 A. I don't understand that</p> <p>12 question.</p> <p>13 Q. Sure. If the person who started</p> <p>14 the investigation did so just based on</p> <p>15 numbers, reports, how much money you</p> <p>16 returned on your card, et cetera, how much</p> <p>17 loss your transactions were causing and</p> <p>18 they never met you --</p> <p>19 A. How much loss? What do you</p> <p>20 mean?</p> <p>21 Q. The fraudulent sends you were</p> <p>22 ringing.</p> <p>23 A. But I was told to ring them and</p> <p>24 I was told --</p> <p>25 Q. You really need to listen to my</p> <p>Page 137</p>

<p>1 K. MIKHAYLOVA</p> <p>2 question. I know you have arguments and</p> <p>3 not to be disrespectful but I don't care.</p> <p>4 Answer my question. Okay.</p> <p>5 If people starting the</p> <p>6 investigation had never met you, would you</p> <p>7 agree then that these investigations could</p> <p>8 not be related to your pregnancy?</p> <p>9 MS. MENDOZA: Objection.</p> <p>10 You can answer.</p> <p>11 A. I can't agree or disagree</p> <p>12 because I don't know what they were told.</p> <p>13 Q. Fair enough. I can prove that</p> <p>14 myself.</p> <p>15 MS. TIERNEY: Why don't we take</p> <p>16 a lunch break?</p> <p>17 MS. MENDOZA: Sure. We can do</p> <p>18 thirty minutes.</p> <p>19 (Whereupon, a short recess was</p> <p>20 taken from 1:00 p.m. to 1:33 p.m.)</p> <p>21 MS. TIERNEY: Back on the</p> <p>22 record.</p> <p>23 Q. I know we talked about Bobby</p> <p>24 Booker. Is there anything else Mr. Booker</p> <p>25 did that you felt was inappropriate that</p> <p>Page 138</p>	<p>1 K. MIKHAYLOVA</p> <p>2 the conversation was about directly.</p> <p>3 Because A, it's been too long. B, all I</p> <p>4 remember is I was trying to push him away</p> <p>5 and say listen, I don't even want to get</p> <p>6 in with that.</p> <p>7 Q. Anything else with regard to</p> <p>8 making any inappropriate comments of a</p> <p>9 sexual nature about your body, anything</p> <p>10 like that?</p> <p>11 A. Not that I recall.</p> <p>12 Q. How did you find out you were</p> <p>13 being terminated?</p> <p>14 A. Well, I believe on June 6th --</p> <p>15 no -- two weeks later Richard Law, he got</p> <p>16 me into his office. He called me and</p> <p>17 probably was the one that told me.</p> <p>18 Q. It was an in-person</p> <p>19 conversation?</p> <p>20 A. It was in-person and I had a</p> <p>21 union rep with me as well. Mr. -- who was</p> <p>22 the union rep.</p> <p>23 THE WITNESS: Melissa, do you</p> <p>24 ever the union help's name? I don't</p> <p>25 remember right now.</p> <p>Page 140</p>
<p>1 K. MIKHAYLOVA</p> <p>2 you haven't told me about already?</p> <p>3 A. Not that I recall at the moment.</p> <p>4 Q. Do you have any notes or</p> <p>5 anything that would refresh you as to the</p> <p>6 conduct of Mr. Booker?</p> <p>7 A. No.</p> <p>8 Q. How about anyone else at</p> <p>9 Bloomingdale's? Did anyone else do</p> <p>10 anything that you felt was inappropriate</p> <p>11 and was sexually harassing or made you</p> <p>12 feel uncomfortable other than Mr. Booker?</p> <p>13 A. Not that I recall.</p> <p>14 Q. Were there any other comments</p> <p>15 made by Mr. Booker that we haven't talked</p> <p>16 about today that you felt was sexual in</p> <p>17 nature or inappropriate?</p> <p>18 A. We had a conversation once in</p> <p>19 regard to like -- it was like he started</p> <p>20 -- I just -- I honestly cannot recall the</p> <p>21 whole conversation. It was -- he was</p> <p>22 asking me about something in regard to --</p> <p>23 something sexual. I said listen, I don't</p> <p>24 feel comfortable even talking about. But</p> <p>25 I don't remember the terms of exactly what</p> <p>Page 139</p>	<p>1 K. MIKHAYLOVA</p> <p>2 Q. Was it Kathy Houser?</p> <p>3 A. Yes.</p> <p>4 Q. Was Kathy someone you had used</p> <p>5 before?</p> <p>6 A. No, I have never used union rep</p> <p>7 before.</p> <p>8 Q. How long did this conversation</p> <p>9 with Richard Law take?</p> <p>10 A. About ten minutes if I recall</p> <p>11 correctly.</p> <p>12 Q. I'm sorry, ten minutes --</p> <p>13 A. Ten minutes I would say, give or</p> <p>14 take.</p> <p>15 Q. What do you remember being said</p> <p>16 in this conversation?</p> <p>17 A. He said that they made a</p> <p>18 decision to terminate me because I was --</p> <p>19 well, A, he said I bought too many shoes.</p> <p>20 I asked him, I said where does it say I</p> <p>21 couldn't buy it. He said -- he wouldn't</p> <p>22 show me no paperwork stating that -- and I</p> <p>23 have actually sent messages to Melissa.</p> <p>24 At that time, Norman, who was the manager</p> <p>25 of the shoe department, I asked him, I</p> <p>Page 141</p>

<p>1 K. MIKHAYLOVA 2 said was there a limit as to how many 3 shoes you can buy. He said not to my 4 knowledge, we didn't have a limit. 5 So he mentioned to me I bought 6 too many shoes. I said wait, but I wasn't 7 aware of that. I wasn't aware like again 8 there was no limit as to how many shoes I 9 could buy. He just said that was the 10 decision they made and I am just telling 11 you. I said okay, that doesn't make 12 sense. Management is allowing me to send 13 and buy but now all of a sudden you are 14 firing me for it for something that they 15 allowed. I don't understand. He said 16 well, unfortunately that's the decision 17 they made. Even Cathy was surprised they 18 were terminating me for that. She herself 19 said I have never seen this before. I 20 said neither have I. She tried to calm me 21 down because I was pregnant and extremely 22 in shock and disbelief. She said we can 23 argue it. I guess -- what is it called -- 24 I guess the union can, they go into a 25 meeting and they can, I guess reverse that</p> <p style="text-align: right;">Page 142</p>	<p>1 K. MIKHAYLOVA 2 come up in the conversation? 3 A. First, he said I was buying too 4 many shoes and handbags. Then he said 5 also, you were avoiding tax. I said well, 6 which one is it. I don't understand. I 7 was allowed to buy all these products. He 8 said well, I am just telling you based on 9 what they decided that you were shipping 10 to save on tax. Yeah, that's what he told 11 me. 12 Q. Anything else that Richard Law 13 said in this conversation? 14 A. I don't recall. I recall me 15 asking him for paperwork why I was 16 terminated and he didn't give that to me. 17 Q. Did he say it was not policy to 18 do that? 19 A. No, he did not. 20 Q. Anything that you or Cathy said 21 in this meeting that we haven't talked 22 about? 23 A. No. 24 Q. Did you have and issue with 25 entering Bergdorf Goodman?</p> <p style="text-align: right;">Page 144</p>
<p>1 K. MIKHAYLOVA 2 decision or something. She said I can 3 apply for it. That was it. 4 Q. Did he mention anything about 5 the tax evasion issue during this 6 conversation? 7 A. Yes. He mentioned that issue as 8 well. 9 Q. That that was a basis for 10 termination? 11 MS. MENDOZA: Objection. 12 You can answer. 13 A. So, he didn't -- I asked him, I 14 said what is the basis for termination. I 15 asked him for a letter. Can you give me a 16 letter stating what I was terminated for 17 exactly. He said we can't provide that 18 letter. 19 Q. Did he mention -- withdrawn. 20 Question relates to the 21 termination -- 22 A. I asked him what exactly terms 23 they terminated me on and he wouldn't 24 answer the question. 25 Q. How did the tax evasion issue</p> <p style="text-align: right;">Page 143</p>	<p>1 K. MIKHAYLOVA 2 A. I did. So, a really good friend 3 of my mine who was a stylist at Bergdorf 4 Goodman recommended me to work at Chanel 5 Handbags Department. Back when I was 6 looking for a job, this was after -- I 7 already got a job at Louis Vuitton but I 8 wasn't happy there. I saw an opening at 9 Bergdorf Goodman and she sent a letter for 10 me to recommend me. So I got a call back 11 from -- who was in HR -- 12 THE WITNESS: Melissa, do you 13 remember the name? 14 A. Heidi, Heidi. Heidi Ruscono, I 15 believe was her name. I got an e-mail 16 from her. Heidi really liked me. She 17 took me to Luis C. who was the director of 18 handbag and he really liked me. Then it 19 was Diana and Diana came from 20 Bloomingdale's. Diana is friends with 21 all the -- from Bloomingdale's. And I 22 know for a fact, I mean, I don't have any 23 proof but I know they told her not to hire 24 me because I was terminated from 25 Bloomingdale's. I know that because the</p> <p style="text-align: right;">Page 145</p>

<p>1 K. MIKHAYLOVA</p> <p>2 person they hired after me does not have a</p> <p>3 good book and got the job. Meanwhile, I</p> <p>4 speak many languages, I I have knowledge</p> <p>5 in Chanel and every single person liked me</p> <p>6 except Diana and she was the final</p> <p>7 decision. Do I have written evidence, no</p> <p>8 but --</p> <p>9 Q. Wait a minute. You are going on</p> <p>10 and on.</p> <p>11 Tell me who Diana was again?</p> <p>12 A. She was the store -- she was the</p> <p>13 manager at Chanel at Bergdorf Goodman.</p> <p>14 Previous to Bergdorf, she was the manager</p> <p>15 at Bloomingdale's and she was very good</p> <p>16 friends with the union rep, Eric. Eric</p> <p>17 would always come into work, he was one of</p> <p>18 those blabbermouths. Oh, I told Diana</p> <p>19 this. He would tell on himself all the</p> <p>20 time when he came to work as to what --</p> <p>21 him and Diana were best friends.</p> <p>22 As soon as I met with her, I</p> <p>23 knew my interview process stopped and they</p> <p>24 didn't hire me because she went to him and</p> <p>25 he said to her not to hire me.</p> <p>Page 146</p>	<p>1 K. MIKHAYLOVA</p> <p>2 Q. Can you see my screen?</p> <p>3 A. Yes.</p> <p>4 Q. I will go to the very top. I</p> <p>5 will tell you that this is the amended</p> <p>6 complaint that your counsel has filed on</p> <p>7 your behalf this matter. There is a</p> <p>8 reference that Chris Castellani had</p> <p>9 supervisory authority over in paragraph</p> <p>10 23. In what way did Castellani have</p> <p>11 supervisory on you?</p> <p>12 A. Can you elaborate on that?</p> <p>13 Q. I am just looking at what the</p> <p>14 complaint says. Was he your supervisor,</p> <p>15 Chris Castellani?</p> <p>16 A. To a degree, yes, because he was</p> <p>17 a supervisor for the loss prevention.</p> <p>18 Q. Were you in loss prevention at</p> <p>19 the time?</p> <p>20 A. I don't understand.</p> <p>21 Q. You said he was a supervisor in</p> <p>22 loss prevention. You weren't in loss</p> <p>23 prevention, were you?</p> <p>24 A. Me, no. I was not in loss</p> <p>25 prevention.</p> <p>Page 148</p>
<p>1 K. MIKHAYLOVA</p> <p>2 Q. And that's your speculation, you</p> <p>3 have no evidence that that happened?</p> <p>4 A. No, but --</p> <p>5 Q. Do you have any evidence that</p> <p>6 that happened?</p> <p>7 A. I have no evidence but I have</p> <p>8 seen it happen with somebody else.</p> <p>9 Q. So you were guessing that's what</p> <p>10 happened and there is no evidence?</p> <p>11 A. Yes, correct.</p> <p>12 Q. Did anyone at Bloomingdale's</p> <p>13 ever make a comment about your buttocks or</p> <p>14 other parts of your anatomy?</p> <p>15 A. In a sexual way, no. They have</p> <p>16 commented and said I look nice in my</p> <p>17 pants, my butt looks nice. It came from</p> <p>18 females. It wasn't anything that was</p> <p>19 uncomfortable.</p> <p>20 Q. I am going to share my screen</p> <p>21 and show you the Exhibit B, the complaint</p> <p>22 in this case.</p> <p>23 (Whereupon, complaint was marked</p> <p>24 as Defendant's Exhibit B for</p> <p>25 identification as of this date.)</p> <p>Page 147</p>	<p>1 K. MIKHAYLOVA</p> <p>2 Q. Did you ever consider Chris</p> <p>3 Castellani to be your supervisor?</p> <p>4 MS. MENDOZA: Objection.</p> <p>5 You can answer.</p> <p>6 Q. You can answer.</p> <p>7 A. Yes, I did.</p> <p>8 Q. In what regard?</p> <p>9 A. In regards to he still work at</p> <p>10 Bloomingdale's and he was the supervisor</p> <p>11 for loss prevention.</p> <p>12 Q. You believe Bobby Booker to be</p> <p>13 the asset protection manager; was that</p> <p>14 your understanding?</p> <p>15 A. Yes.</p> <p>16 Q. Are you aware of when Bobby</p> <p>17 Booker left the company?</p> <p>18 A. What was the question?</p> <p>19 Q. Do you know when Bobby Booker</p> <p>20 left the store?</p> <p>21 A. No.</p> <p>22 Q. Your complaint says Cathy Younis</p> <p>23 was the director for the Chanel Handbags</p> <p>24 Department. You testified to that earlier</p> <p>25 that that was your understanding?</p> <p>Page 149</p>

<p>1 K. MIKHAYLOVA</p> <p>2 A. Yes.</p> <p>3 Q. And then we also talked about,</p> <p>4 you said Cathy Younis interviewed and</p> <p>5 hired you for the Chanel Handbags</p> <p>6 Department on or about April 30th of 2016;</p> <p>7 is that correct?</p> <p>8 A. I believe so .</p> <p>9 Q. Then in paragraph 36 it says</p> <p>10 that between May of 2016 and January of</p> <p>11 2017 Cathy Younis trained you on selling</p> <p>12 techniques. Did Cathy Younis work with</p> <p>13 you as far as selling in that period of</p> <p>14 time?</p> <p>15 A. (No verbal response.)</p> <p>16 Q. I'm sorry. Did you answer that</p> <p>17 question, Ms. Mikhaylova?</p> <p>18 A. Yes. I said yes.</p> <p>19 Q. Just so we are clear. During</p> <p>20 the time you never told her that you were</p> <p>21 having uncomfortable, that Bobby Booker</p> <p>22 was making you uncomfortable? You only</p> <p>23 told Denis Diaz, right?</p> <p>24 A. Yes. Cathy Younis wasn't -- she</p> <p>25 was mostly all the time in Ready-to-Wear.</p> <p>Page 150</p>	<p>1 K. MIKHAYLOVA</p> <p>2 saying oh, your butt looks really good,</p> <p>3 and I said thanks.</p> <p>4 Q. Other than saying your butt</p> <p>5 looks really good did he make any other</p> <p>6 comments to you?</p> <p>7 A. No. I honestly cannot recall.</p> <p>8 It is just now that I said -- and I</p> <p>9 remember him mentioning that and looking</p> <p>10 at my butt which I mentioned to you</p> <p>11 previously.</p> <p>12 Q. You did mention looking. You do</p> <p>13 remember that comment now?</p> <p>14 A. Yes.</p> <p>15 Q. Did you ever tell anyone that he</p> <p>16 made that comment?</p> <p>17 A. No, because everyone was around.</p> <p>18 I didn't --</p> <p>19 Q. Who was around to witness that</p> <p>20 comment being made?</p> <p>21 A. Management associates.</p> <p>22 Q. Can you be a little more</p> <p>23 specific?</p> <p>24 A. I had an associate come up to me</p> <p>25 and say are you sure you are okay with him</p> <p>Page 152</p>
<p>1 K. MIKHAYLOVA</p> <p>2 She wasn't someone that I went to -- it</p> <p>3 was Denis that was dealing with the</p> <p>4 handbags department. So, Cathy was not</p> <p>5 someone that I -- I mean, I saw her when</p> <p>6 she was on her shift. I saw her probably</p> <p>7 daily but she wasn't someone that was</p> <p>8 standing in that department.</p> <p>9 Q. You testified earlier that you</p> <p>10 saw her every day, right?</p> <p>11 A. I saw her every date but for</p> <p>12 short period of time.</p> <p>13 Q. Paragraph 38 you said Mr. Booker</p> <p>14 made sexual innuendos. Have we talked</p> <p>15 about all the conduct that you felt was</p> <p>16 sexual innuendo by Booker?</p> <p>17 A. I thought we spoke about it.</p> <p>18 Q. Is there anything new that we</p> <p>19 haven't talked about it?</p> <p>20 A. No.</p> <p>21 Q. Then it says commenting on your</p> <p>22 buttocks and appearance. I don't remember</p> <p>23 you saying that he commented on your</p> <p>24 buttocks, but maybe I am wrong.</p> <p>25 A. He was looking at my butt and</p> <p>Page 151</p>	<p>1 K. MIKHAYLOVA</p> <p>2 talking. She was like I feel like every</p> <p>3 time he comes here he makes you</p> <p>4 uncomfortable. I said yeah, but I just</p> <p>5 tell him to go away. I kind of stop the</p> <p>6 conversation. But I have had numerous</p> <p>7 associates mention to me that the way he</p> <p>8 looks at me is inappropriate.</p> <p>9 Q. I need you to answer my question</p> <p>10 specifically when he made the comment to</p> <p>11 you your butt looks like good or whatever</p> <p>12 dit was, who was around to see that</p> <p>13 comment being made?</p> <p>14 A. I don't remember exactly.</p> <p>15 Q. You don't remember exactly.</p> <p>16 That's the only time he made that comment;</p> <p>17 is that correct?</p> <p>18 A. I don't remember how many times</p> <p>19 he made it.</p> <p>20 Q. I know you testified that he</p> <p>21 hugged you either by the side or the front</p> <p>22 but this says he touched your arm when he</p> <p>23 spoke to you?</p> <p>24 A. Yeah. Like when he spoke to me</p> <p>25 he would hold me by the elbow like that</p> <p>Page 153</p>

<p>1 K. MIKHAYLOVA 2 (indicating). 3 Q. Did he hug you and hold you by 4 the elbow or does this refresh that he 5 only held your elbow? 6 A. Like when he came in, he would 7 give me a hug. He would hold on by the 8 elbow like that (indicating). 9 Q. Would he only hug when he first 10 came in for the day or would it be more 11 than that? 12 A. Yes. I don't remember exactly 13 how many times. 14 Q. Let's talk about paragraph 43. 15 This says another employee of defendant 16 loss prevention unit told plaintiff how 17 can you run with that ass. Do you 18 remember that comment? 19 A. Yes. I was trying to think who 20 said it though. I don't remember who. I 21 definitely remember that comment but I 22 don't remember who said that. I believe 23 it was -- I believe it was another guard 24 but I don't remember the name. 25 Q. This says defendant Booker and</p> <p>Page 154</p>	<p>1 K. MIKHAYLOVA 2 sent by Booker? 3 MS. MENDOZA: Objection. 4 You can answer. 5 A. Not everyone, but if it is a 6 male from his team, then yes. 7 Q. You believe that because they 8 were on his team and they were male and 9 you believe they were looking at your 10 posterior, that somehow Mr. Booker 11 encouraged that? 12 A. Yes. 13 Q. Even though the person never 14 told you that and Mr. Booker never said 15 that; is that correct? 16 A. (No verbal response.) 17 Q. Yes? 18 A. That's correct. 19 Q. This says that Yeseer (ph) 20 became your supervisor some January 2017; 21 is that correct? 22 A. I believe so. I don't have the 23 correct -- at the moment I don't remember. 24 Q. I will show you two additional 25 documents. Can you see my screen, Ms.</p> <p>Page 156</p>
<p>1 K. MIKHAYLOVA 2 other employees of loss prevention unit 3 frequently called plaintiff to ogle at or 4 a buttocks. 5 A. Yes. 6 Q. Okay. Tell me about that. 7 A. He would call his -- the people 8 that were in loss prevention to come take 9 a look at me. 10 Q. How do you know that he did 11 that? 12 A. They would come over and see. 13 Do I know what he is saying, no. But you 14 can read their lips. You can read what 15 they are saying, come over here and take a 16 look. 17 Q. Are you speculating that that 18 happened or do you have any facts to prove 19 that it did happen? 20 A. It happened. I mean, do I have 21 a person saying hey, can you come and say 22 that this definitely happened, no. But 23 did it happen, absolutely. 24 Q. So people come over and look at 25 your butt and you assume that they were</p> <p>Page 155</p>	<p>1 K. MIKHAYLOVA 2 Mikhaylova? 3 A. Yes. 4 Q. Exhibit C is, and for the record 5 it is Bates 348 to 350. 6 (Whereupon, Bates 348 to 350 was 7 marked as Defendant's Exhibit C for 8 identification as of this date.) 9 Q. This is a counseling summary 10 form. Do you recall Denis Diaz giving you 11 counseling -- 12 A. Yes. 13 Q. -- in February 2021 for your 14 tardiness? 15 A. I don't remember the date but I 16 know he gave me counseling. 17 Q. Is that, in fact, your signature 18 at the bottom of page 348? 19 A. That's the date. 20 Q. Is that your signature? 21 A. Yes. 22 Q. Did you sign that document on or 23 about 2/21/2017? 24 A. Yes. 25 Q. Looks like Denis Diaz was also</p> <p>Page 157</p>

<p>1 K. MIKHAYLOVA</p> <p>2 there and he signed it on the same. Did</p> <p>3 he sign in front of you?</p> <p>4 A. I don't remember that.</p> <p>5 Q. Tinbite Yonas, do you know who</p> <p>6 the HR person was who signed the</p> <p>7 counseling form?</p> <p>8 A. No.</p> <p>9 Q. Did you understand that you were</p> <p>10 being counseled based on your tardiness?</p> <p>11 A. Yes.</p> <p>12 Q. There are at least seven</p> <p>13 instances of you being tardy at that point</p> <p>14 in time, right?</p> <p>15 A. Yes.</p> <p>16 Q. Did you give any excuse for your</p> <p>17 tardiness at that point in time?</p> <p>18 A. Yes. I told them that I was</p> <p>19 experiencing morning sickness really bad</p> <p>20 and that's why I have been coming in late.</p> <p>21 Q. The box for associate comment,</p> <p>22 you didn't write anything there?</p> <p>23 A. Hold on. I don't recall the</p> <p>24 time period. How many of these did I get?</p> <p>25 This was the one that I signed. Yes. I</p> <p style="text-align: right;">Page 158</p>	<p>1 K. MIKHAYLOVA</p> <p>2 marked as Defendant's Exhibit D for</p> <p>3 identification as of this date.)</p> <p>4 Q. I am going to show you Exhibit</p> <p>5 D which is Bates 343 through 346. That is</p> <p>6 formal reminder related to your</p> <p>7 attendance.</p> <p>8 A. Yes. I can tell by the dates.</p> <p>9 Okay. So that --</p> <p>10 Q. Is that your signature on</p> <p>11 April 19, 2017?</p> <p>12 A. Yes.</p> <p>13 Q. It is your signature?</p> <p>14 A. Yes.</p> <p>15 Q. Do you know who the HR person</p> <p>16 who signed it was?</p> <p>17 A. There was no HR person with me</p> <p>18 that signed it. I didn't have that</p> <p>19 person, but I guess whoever signed after.</p> <p>20 It was just me and Denis. Okay. So now</p> <p>21 it is a little more clear. It didn't add</p> <p>22 up.</p> <p>23 Q. Is this, in fact, the associate</p> <p>24 comment that you worked with Denis?</p> <p>25 A. Yes.</p> <p style="text-align: right;">Page 160</p>
<p>1 K. MIKHAYLOVA</p> <p>2 told him -- now I remember. Hold on. I</p> <p>3 told him that I was pregnant and that</p> <p>4 there is going to be times that I am going</p> <p>5 to come in late. I said I wasn't feeling</p> <p>6 good at that time. And I said and we</p> <p>7 worked out -- and we wrote out an action</p> <p>8 plan as to what I am going to do to come</p> <p>9 in on time. If I'm not mistaken, that's</p> <p>10 what we did there.</p> <p>11 Q. What was the action plan?</p> <p>12 A. To get up early, to set my clock</p> <p>13 back so that I can come back earlier. And</p> <p>14 I told him that I would, you know, do my</p> <p>15 best. Even with me not being sick now --</p> <p>16 at that point I was very sick. During</p> <p>17 those times -- I told him now I am sick, I</p> <p>18 just want to let you know tat going</p> <p>19 forward if I am late, I am sick.</p> <p>20 Q. Are you sure that happened with</p> <p>21 this one and not the subsequent write-up?</p> <p>22 A. No, I'm not. That's why</p> <p>23 confused.</p> <p>24 Q. Let me go to Exhibit D.</p> <p>25 (Whereupon, Bates 343 to 346 was</p> <p style="text-align: right;">Page 159</p>	<p>1 K. MIKHAYLOVA</p> <p>2 Q. This doesn't say anything about</p> <p>3 you being pregnant or issues with your</p> <p>4 pregnancy, right?</p> <p>5 A. Yeah, I didn't write that in.</p> <p>6 This was about our -- this was how I would</p> <p>7 get to work on time. I didn't write that</p> <p>8 I was pregnant but I know he knew at that</p> <p>9 point that I was pregnant. That's the one</p> <p>10 he told me about that he would take out,</p> <p>11 the write-up, this one in particular.</p> <p>12 Q. Your morning sickness, if you</p> <p>13 got up early did it give you time to eat</p> <p>14 something and you felt better or did it</p> <p>15 last --</p> <p>16 A. No. Unfortunately, it was</p> <p>17 called morning sickness but I was sick all</p> <p>18 day. I was on medication. I was on</p> <p>19 Zofran which wasn't even helping me. I</p> <p>20 was still throwing up and I was still --</p> <p>21 like it just stopped me from throwing up</p> <p>22 more. I was throwing up less with Zofran</p> <p>23 but I was still vomiting and nauseous all</p> <p>24 the time.</p> <p>25 Q. At this point in time you had</p> <p style="text-align: right;">Page 161</p>

1 K. MIKHAYLOVA
2 not requested an accomodation and Denis
3 Diaz told you that if you got an
4 accommodation and approved by HR that they
5 would take out this write-up?
6 A. So again, we didn't talk about
7 accomodation with him. We talked about
8 that I need to go to HR and tell them I am
9 pregnant. We didn't speak about
10 accomodation. Accommodation, I did later.
11 He just said I need to go to HR and tell
12 them I am pregnant. That's what I did
13 after.
14 Q. Did he say that in response to
15 you saying I can't get to work on time
16 because I am pregnant?
17 A. It wasn't because I was pregnant
18 that I couldn't get to work on time. It
19 was because I was sick. I told him that I
20 was very sick.
21 Q. And in response to that he told
22 you to go to HR and tell them you were
23 pregnant?
24 A. Correct.
25 Q. And did you not say that at some
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1 K. MIKHAYLOVA
2 point in time Denis Diaz said that
3 depending on what HR says that this
4 write-up would go away?
5 A. Well, that's what he said. Once
6 I get that handed over to HR, they will
7 take away this whether it was a write-up,
8 or warning, whatever that is, it would be
9 removed from my file.
10 Q. And you believe this wasn't
11 given to you somewhere around April 19,
12 2017?
13 A. Yes.
14 Q. Going back to Exhibit B, the
15 amended complaint. This says you got the
16 write-up around August 6 which we just saw
17 the date of that. You informed him that
18 you were pregnant. This suggests that you
19 did not tell them you were pregnant in
20 February. Does that help refresh your
21 recollection that you did not tell Denis
22 Diaz you were pregnant?
23 A. I only got pregnant around
24 February 4th. To my knowledge, that's
25 when I found out I was pregnant. I was
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1 K. MIKHAYLOVA
2 showing -- but that's when I told Denis I
3 was -- I don't know if he knew I was
4 pregnant before then but that's when I
5 believe I told him if I'm not mistaken.
6 Q. What you just said, I am totally
7 confused. Did you mean you told him in
8 April or February. This says you told him
9 immediately after --
10 A. Yes, which was when I signed
11 that paperwork that I was late.
12 Q. And that was April or February?
13 A. That was the April one.
14 Q. Denis Diaz did not know you were
15 pregnant in February?
16 A. Correct.
17 Q. Or you did not tell him?
18 A. To my knowledge, he didn't.
19 Q. Then it says on May 15th you
20 informed Bloomingdale's of your nausea
21 related to pregnancy --
22 A. Okay. So I --
23 Q. Let me finish the question
24 first, Ms. Mikhaylova.
25 Is that when you went to HR to
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1 K. MIKHAYLOVA
2 talk to them about your nausea and your
3 need for intermittent leave?
4 A. I don't know that's the first
5 day or is it the day I went to submit my
6 documents, I don't remember. I might have
7 went to them before and told them or I
8 might have submitted that day. So, I'm
9 not sure about the date.
10 Q. This says on May 15th you
11 submitted a request for leave?
12 MS. MENDOZA: Objection.
13 You can answer.
14 A. Yes.
15 Q. Is that, in fact, when you
16 submitted your request?
17 A. Yes, probably. That's when I
18 submitted the paperwork probably.
19 (Whereupon, Bates 301 was marked
20 as Defendant's Exhibit E for
21 identification as of this date.)
22 Q. This says that your leave was
23 approved. Let me show you a couple more
24 documents. For Exhibit E, we are going to
25 have a document letter Bates 301.
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<p>1 K. MIKHAYLOVA</p> <p>2 Ms. Mikhaylova, do you recall</p> <p>3 receiving this letter from the leave of</p> <p>4 absence department on or about May 16,</p> <p>5 2017 at your home address?</p> <p>6 A. Yes.</p> <p>7 Q. I'm sorry. Yes?</p> <p>8 A. Yes.</p> <p>9 Q. And this says that you had asked</p> <p>10 for a leave. I believe it was</p> <p>11 intermittent leave from May to August and</p> <p>12 it says you have to provide a healthcare</p> <p>13 form. This is just the initial stages of</p> <p>14 your leave request; is that correct?</p> <p>15 A. Correct.</p> <p>16 Q. This letter is dated May 16th.</p> <p>17 Let's look at Exhibit F which is a letter</p> <p>18 Bates Bloomingdale's 311.</p> <p>19 (Whereupon, Bates 311 was marked</p> <p>20 as Defendant's Exhibit F for</p> <p>21 identification as of this date.)</p> <p>22 Q. Ms. Mikhaylova, did you in fact</p> <p>23 receive this letter on or about June 1,</p> <p>24 2017 at your home address.</p> <p>25 A. Yes.</p> <p style="text-align: right;">Page 166</p>	<p>1 K. MIKHAYLOVA</p> <p>2 A. Yes.</p> <p>3 Q. Was that a yes?</p> <p>4 A. Yes, that's right.</p> <p>5 Q. At the very bottom of the Page 2</p> <p>6 there is a notice of your rights. Did</p> <p>7 you, in fact, sign this document on</p> <p>8 June 2, 2017?</p> <p>9 A. Yes.</p> <p>10 Q. And that's part of the</p> <p>11 information you sent to Bloomingdale's or</p> <p>12 Macy's on June 2nd, right?</p> <p>13 A. Yes.</p> <p>14 Q. Let's look at one more document</p> <p>15 related to your leave, Exhibit H, Bates</p> <p>16 335.</p> <p>17 (Whereupon, Bates 335 was marked</p> <p>18 as Defendant's Exhibit H for</p> <p>19 identification as of this date.)</p> <p>20 Q. Ms. Mikhaylova, did you in fact</p> <p>21 receive this letter on or about June 9,</p> <p>22 2017 at your home address related to your</p> <p>23 intermittent leave?</p> <p>24 A. I believe so. It's been so</p> <p>25 long. I believe so. It's been so long.</p> <p style="text-align: right;">Page 168</p>
<p>1 K. MIKHAYLOVA</p> <p>2 Q. This letter says that in</p> <p>3 response to Exhibit E, the letter of</p> <p>4 May 16th, they had asked for information</p> <p>5 to support your leave and you hadn't sent</p> <p>6 it in yet and the company still needed to</p> <p>7 get your healthcare providers's form,</p> <p>8 correct?</p> <p>9 A. Yes.</p> <p>10 Q. As of June 1st you had still not</p> <p>11 submitted your doctor's --</p> <p>12 A. I was under the impression that</p> <p>13 my leave already got approved in June.</p> <p>14 The timing here, I don't want to answer</p> <p>15 incorrect. I don't remember the time. I</p> <p>16 was under the impression that my leave was</p> <p>17 already approved.</p> <p>18 Q. Let's look at Exhibit G.</p> <p>19 (Whereupon, Bates 315 to 318 was</p> <p>20 marked as Defendant's Exhibit G for</p> <p>21 identification as of this date.)</p> <p>22 Q. It is going to be Bates 315 to</p> <p>23 318. Is this the fax that you submitted</p> <p>24 on June 2, 2017 to the leave of absence</p> <p>25 department at Macy's, Bloomingdale's?</p> <p style="text-align: right;">Page 167</p>	<p>1 K. MIKHAYLOVA</p> <p>2 I don't remember the dates.</p> <p>3 Q. This says the doctor's</p> <p>4 certificate was dated June 1, correct?</p> <p>5 A. Yes.</p> <p>6 Q. And based on that you qualified</p> <p>7 for intermittent leave of absence,</p> <p>8 correct?</p> <p>9 A. Yes.</p> <p>10 Q. So your leave of absence was</p> <p>11 approved on June 9, 2017?</p> <p>12 A. Yes.</p> <p>13 Q. This document says, your amended</p> <p>14 complaint says on June 1st you submitted</p> <p>15 the documentation and your leave of</p> <p>16 absence was approved. So that's all</p> <p>17 accurate, right?</p> <p>18 A. Yes.</p> <p>19 MS. MENDOZA: Objection.</p> <p>20 You can answer.</p> <p>21 Q. Did you say yes, Ms. Mikhaylova?</p> <p>22 A. Yes. I said yes.</p> <p>23 Q. In the next part of this</p> <p>24 document, the amended complaint talks</p> <p>25 about, and that's Exhibit B. It talks</p> <p style="text-align: right;">Page 169</p>

<p>1 K. MIKHAYLOVA</p> <p>2 about you being called into the loss</p> <p>3 prevention office on June 6th. That, in</p> <p>4 fact, was the conversation that led to</p> <p>5 your termination; is that correct?</p> <p>6 A. (No verbal response.)</p> <p>7 Q. Ms. Mikhaylova?</p> <p>8 A. Yes, yes.</p> <p>9 Q. It says at the bottom of Page 9</p> <p>10 of Exhibit B paragraph 57, plaintiff is</p> <p>11 aware of at least five associates that</p> <p>12 were shipping purchases out of state and</p> <p>13 purchasing items at a high volume and were</p> <p>14 never investigated or reprimanded. Can</p> <p>15 you tell me who those five employees are?</p> <p>16 A. I believe I gave the names to</p> <p>17 Melissa before.</p> <p>18 Q. Do you recall those names as you</p> <p>19 sit here today?</p> <p>20 A. Some of the names were Asian so</p> <p>21 I don't remember the correct spelling of</p> <p>22 the names. I did at that time. I don't</p> <p>23 have the names in front of me.</p> <p>24 Q. Do you have anything where these</p> <p>25 names are written down?</p> <p>Page 170</p>	<p>1 K. MIKHAYLOVA</p> <p>2 was marked as Defendant's Exhibit I</p> <p>3 for identification as of this date.)</p> <p>4 Q. I am going to pull another</p> <p>5 document. I am going to mark as Exhibit I</p> <p>6 your initial Rule 26A disclosure.</p> <p>7 Ms. Mikhaylova, the first thing</p> <p>8 in the disclosure is list of people with</p> <p>9 knowledge disclosure about the case likely</p> <p>10 to have discoverable information about</p> <p>11 your case. Kristina Mikhaylova, of</p> <p>12 course, is yourself. With respect to</p> <p>13 Denis Diaz, have we talked about to the</p> <p>14 best of my knowledge all the interaction</p> <p>15 you had with Denis Diaz to support your</p> <p>16 case?</p> <p>17 MS. MENDOZA: Objection.</p> <p>18 You can answer.</p> <p>19 A. Yes.</p> <p>20 Q. Other than the e-mails with</p> <p>21 Richard Law and the term conversation, did</p> <p>22 you have any other interaction with</p> <p>23 Richard Law during your employment with</p> <p>24 Bloomingdale's?</p> <p>25 A. I don't remember.</p> <p>Page 172</p>
<p>1 K. MIKHAYLOVA</p> <p>2 A. I can provide it to you at a</p> <p>3 later date.</p> <p>4 *MS. TIERNEY: Counsel, we would</p> <p>5 ask that we be provided with those</p> <p>6 names.</p> <p>7 Q. At the time this conversation</p> <p>8 had occurred your leave of absence had not</p> <p>9 been approved, right? You got the letter</p> <p>10 on June 9th?</p> <p>11 A. Yes.</p> <p>12 Q. Did the union ever grieve your</p> <p>13 termination?</p> <p>14 A. I believe they did.</p> <p>15 Q. Do you know what the results</p> <p>16 were of that grievance?</p> <p>17 A. No, because they were very hard</p> <p>18 to --</p> <p>19 Q. Say that again?</p> <p>20 A. Get a hold of. Sean was very</p> <p>21 hard to get a hold of. He kept telling me</p> <p>22 it takes time, it takes time. I figured</p> <p>23 it wasn't going nowhere so I left it</p> <p>24 alone.</p> <p>25 (Whereupon, Rule 26A disclosure</p> <p>Page 171</p>	<p>1 K. MIKHAYLOVA</p> <p>2 Q. I'm sorry, I missed that.</p> <p>3 A. Not that I can remember at the</p> <p>4 moment.</p> <p>5 Q. And I know we have talked by</p> <p>6 little bit about Bobby Booker and the</p> <p>7 allegation of conduct that you believe was</p> <p>8 inappropriate and of a sexual nature. Is</p> <p>9 there anything else that you can recall</p> <p>10 that Mr. Booker did that you felt was</p> <p>11 inappropriate or sexual harassing that we</p> <p>12 have not already discussed?</p> <p>13 A. Not that I recall.</p> <p>14 Q. Other than having two</p> <p>15 conversations with you about various asset</p> <p>16 protection issues, is there anything else</p> <p>17 that Chris Castellani has knowledge of to</p> <p>18 your estimation about your case?</p> <p>19 A. I can't think of anything at the</p> <p>20 moment.</p> <p>21 Q. I know you said Kathy Houser was</p> <p>22 with you during the termination</p> <p>23 conversation. Does she have any other</p> <p>24 connection to your case other than that?</p> <p>25 A. Not that I recall.</p> <p>Page 173</p>

<p>1 K. MIKHAYLOVA</p> <p>2 Q. Kathy before she came to you</p> <p>3 before the Richard Law conversation?</p> <p>4 A. I have never worked with her but</p> <p>5 I have seen her. She worked with fine</p> <p>6 jewelry at Bloomingdale's.</p> <p>7 Q. Who is Costello Dash?</p> <p>8 THE WITNESS: Melissa?</p> <p>9 MS. TIERNEY: I'm sorry, she</p> <p>10 can't testify.</p> <p>11 Q. Do you remember who that is?</p> <p>12 A. I don't remember. Is that Chris</p> <p>13 Castellani -- no. I don't remember. I</p> <p>14 can't --</p> <p>15 Q. Was this a co-worker or somebody</p> <p>16 you had spoken to about your case?</p> <p>17 A. I don't remember. I don't</p> <p>18 remember.</p> <p>19 Q. Mr. Dash, do you know if he was</p> <p>20 a union guy?</p> <p>21 A. Yes. He was dealing with my</p> <p>22 grievance, yes.</p> <p>23 Q. Do you recall any conversation</p> <p>24 with Mr. Dash?</p> <p>25 A. I don't recall. I don't</p> <p style="text-align: right;">Page 174</p>	<p>1 K. MIKHAYLOVA</p> <p>2 interviewed with at Bergdorf Goodman?</p> <p>3 A. Yes.</p> <p>4 Q. I think you talked about Heidi</p> <p>5 Ruscone who was someone you interviewed</p> <p>6 with; is that correct?</p> <p>7 A. Yes. She was part the interview</p> <p>8 process. So was Susan Cohen.</p> <p>9 Q. At Bergdorf Goodman?</p> <p>10 A. Correct. And so was Lucy</p> <p>11 Greystone.</p> <p>12 Q. Did any of them mention to you</p> <p>13 anything about what had happened at</p> <p>14 Bloomingdale's?</p> <p>15 A. Not to my knowledge.</p> <p>16 Q. Who is Eleanor Dahan; D-A-H-A-N?</p> <p>17 A. She was the one that -- she</p> <p>18 provided the policies and procedures, the</p> <p>19 Bloomingdale's policies and procedures</p> <p>20 which stated the under management</p> <p>21 discretion. She was one of the other</p> <p>22 people that also made the purchases. Same</p> <p>23 thing with Nehemiah. Same thing with</p> <p>24 Henry. Same thing with -- Shixi Zhang --</p> <p>25 these are the names.</p> <p style="text-align: right;">Page 176</p>
<p>1 K. MIKHAYLOVA</p> <p>2 remember.</p> <p>3 Q. Sean Kavanagh, union?</p> <p>4 A. Yes.</p> <p>5 Q. Any conversation or any factual</p> <p>6 knowledge you have of Mr. Kavanagh's</p> <p>7 connection to your case?</p> <p>8 A. I don't remember.</p> <p>9 Q. Eric Guterrez, I think we</p> <p>10 talked about with respect to the Bergdorf</p> <p>11 Goodman issue?</p> <p>12 A. Yes.</p> <p>13 Q. You have not talked to him about</p> <p>14 that issue?</p> <p>15 A. No.</p> <p>16 Q. No?</p> <p>17 A. Not that I recall. I don't</p> <p>18 recall. I don't remember.</p> <p>19 Q. When you interviewed with Diana,</p> <p>20 did she say anything to you that she knew</p> <p>21 what happened to you at Bloomingdale's or</p> <p>22 was aware of your situation with</p> <p>23 Bloomingdale's or anything of that nature?</p> <p>24 A. Not that I'm aware of.</p> <p>25 Q. Diana was the person you</p> <p style="text-align: right;">Page 175</p>	<p>1 K. MIKHAYLOVA</p> <p>2 Q. Those are the names I was asking</p> <p>3 about earlier. Okay. Let's go back and</p> <p>4 do it one at a time. What you are saying</p> <p>5 about Eleanor and policy and practice?</p> <p>6 A. She also bought stuff and</p> <p>7 shipped it to er -- to other addresses.</p> <p>8 That's what I mean.</p> <p>9 Q. For personal use?</p> <p>10 A. Correct.</p> <p>11 Q. How do you that?</p> <p>12 A. Because she told me.</p> <p>13 Q. Other than her telling you, do</p> <p>14 you have any other knowledge?</p> <p>15 A. No. I have seen them being</p> <p>16 shipped out.</p> <p>17 Q. Did you see the addresses?</p> <p>18 A. Yes, I did.</p> <p>19 Q. Do you know where they were</p> <p>20 going?</p> <p>21 A. They were going to Las Vegas.</p> <p>22 They were going to other states.</p> <p>23 Q. Do you know if she was mailing</p> <p>24 gifts or was it for her personal use?</p> <p>25 A. Both.</p> <p style="text-align: right;">Page 177</p>

<p>1 K. MIKHAYLOVA 2 Q. How do you know that? 3 A. Because I was -- she told me. 4 Q. Other than her telling you, do 5 you have any other knowledge of that? 6 A. (No verbal response.) 7 Q. Ma'am -- 8 A. Nehemiah -- 9 Q. I have a pending question. 10 Other than her telling you that the things 11 she was sending were for gifts and some 12 for personal use, do you have any 13 knowledge other than that? 14 A. No. 15 Q. Nehemiah? 16 A. Same thing. He would mail 17 things out. 18 Q. When was he mailing things out? 19 A. I don't recall the address. I 20 don't know the exact address for other 21 people. I just know they were going to 22 tax free states. 23 Q. Did they tell you that or did 24 you just see -- 25 A. I worked for Bloomingdale's. I</p> <p style="text-align: right;">Page 178</p>	<p>1 K. MIKHAYLOVA 2 A. I gave the spelling to the best 3 of my knowledge. I believe those were all 4 their names. 5 Q. She is the same thing, just so 6 make sure. She knew she was mailing to 7 tax free states? 8 A. Yes. 9 Q. And she was doing it numerous 10 times? 11 A. Yes. 12 Q. Do you know Shixi Zhang was 13 sending things? 14 A. I don't remember if it was in 15 New Hampshire or Delaware. I don't 16 recall. 17 Q. F-E-I-Y-A, C-A-I, same thing for 18 her? 19 A. Yes. 20 Q. I assume the gender is she? 21 A. Yes. 22 Q. If I am wrong, please correct 23 me. 24 A. Okay. 25 Q. Next one is Y-A-X-U-A-N,</p> <p style="text-align: right;">Page 180</p>
<p>1 K. MIKHAYLOVA 2 was able to see receipts. 3 Q. Did you know what the person was 4 sending it for? Was it for a wedding 5 gift, was it for some other gift to a 6 family member? Do you have any 7 independent knowledge -- 8 A. There were numerous gifts so I 9 can't give you anyone that was doing it 10 several times. It was numerous times. 11 Q. Your knowledge is they were 12 doing it numerous times and they were 13 going to tax free states; is that correct? 14 A. Yes. 15 Q. Do you know anything else about 16 what Nehemiah was doing? 17 A. No. 18 Q. How about Derkovorkia (ph)? 19 A. Same thing. 20 Q. Once again, you know they were 21 going to a tax free state and there were 22 many purchases and that's all you know? 23 A. Yes. 24 Q. Shixi Zhang; S-H-I-X-I, 25 Z-H-A-N-G?</p> <p style="text-align: right;">Page 179</p>	<p>1 K. MIKHAYLOVA 2 Z-H-A-N-G. Is that the same thing? 3 A. Yes, same thing. 4 Q. Julia Truong; T-R-U-O-N-G? 5 A. Yes. 6 Q. Same thing? 7 A. Yes. 8 Q. Do you have any more details 9 other than these folks numerous packages 10 to what you believe were tax free states? 11 A. Those were just the few names 12 that I have seen on a regular basis that 13 were doing it but it was managers, it was 14 associates that were sending it. Again, 15 it was a common practice at 16 Bloomingdale's. I have seen it all the 17 time. Those are just the few names that I 18 have seen numerous times doing it. 19 Q. Are any of the people that we 20 just wen through starting with Eleanor to 21 Julie Truong manage employees? 22 A. That information, I don't know. 23 Some of them are not from Chanel. 24 Q. Where are they from? 25 A. They are from Bloomingdale's. I</p> <p style="text-align: right;">Page 181</p>

<p>1 K. MIKHAYLOVA</p> <p>2 don't know what their title is in other</p> <p>3 departments.</p> <p>4 Q. Where did Eleanor work then?</p> <p>5 A. Eleanor and Nehemiah were in</p> <p>6 Chanel employees. The rest of them, I</p> <p>7 don't know.</p> <p>8 Q. Where did you get Henry's name?</p> <p>9 A. What do you mean? I worked for</p> <p>10 Chanel. I knew when we were ringing up, I</p> <p>11 knew who these people are. I saw him all</p> <p>12 the time.</p> <p>13 Q. How did you not know where he</p> <p>14 worked?</p> <p>15 A. Oh, what department? I don't</p> <p>16 know what department. I know he worked in</p> <p>17 Bloomingdale's. I just don't know what</p> <p>18 department. I don't know a lot f</p> <p>19 departments that they worked for. I know</p> <p>20 Julie worked for Miu Miu. I don't recall.</p> <p>21 Some of them were stock, some of them were</p> <p>22 cosmetic people. I don't remember. I</p> <p>23 think Henry was -- I'm not a hundred</p> <p>24 percent sure what department they worked</p> <p>25 for.</p> <p style="text-align: right;">Page 182</p>	<p>1 K. MIKHAYLOVA</p> <p>2 really messed up over that case. It</p> <p>3 traumatized me. I think anyone that</p> <p>4 leaves Bloomingdale's is traumatized.</p> <p>5 Being there, being fired while I was</p> <p>6 pregnant, that's going to last me a</p> <p>7 lifetime unfortunately.</p> <p>8 Q. How do you evaluate at</p> <p>9 \$3 million?</p> <p>10 MS. MENDOZA: Objection.</p> <p>11 You can answer.</p> <p>12 A. I would have to get back to you</p> <p>13 on that.</p> <p>14 Q. I am going to talk about lost</p> <p>15 wages. You actually got a job within</p> <p>16 eight months of leaving Bloomingdale's,</p> <p>17 right -- strike that.</p> <p>18 How long of a maternity leave</p> <p>19 did you take with your little one after</p> <p>20 the birth of November 2017?</p> <p>21 A. Well, I had no money so I had to</p> <p>22 go to work right way.</p> <p>23 Q. When you say right away, January</p> <p>24 or February of 2018, right?</p> <p>25 A. Yes. I went back in January.</p> <p style="text-align: right;">Page 184</p>
<p>1 K. MIKHAYLOVA</p> <p>2 Q. How would you see their</p> <p>3 packages?</p> <p>4 A. Because they would come to the</p> <p>5 store and their items were rung up. It is</p> <p>6 not like you can ring them up in</p> <p>7 cosmetics. You have to come in Chanel to</p> <p>8 be rung up.</p> <p>9 Q. So they were buying Chanel</p> <p>10 products that were mailed?</p> <p>11 A. I don't know about other stuff.</p> <p>12 I just know about Chanel products.</p> <p>13 Q. Okay. Do you know if any of</p> <p>14 those people were implicated in any way in</p> <p>15 the fraud that was going on at the Chanel</p> <p>16 Department?</p> <p>17 A. I have no idea. That was after</p> <p>18 me.</p> <p>19 Q. Now, the next one talks about</p> <p>20 your damages. It says emotional distress</p> <p>21 and physical injury \$3 million. Do you</p> <p>22 have any physical injuries as a result of</p> <p>23 this case?</p> <p>24 A. Physically, no. My emotional, I</p> <p>25 have a lot. I have been to this day</p> <p style="text-align: right;">Page 183</p>	<p>1 K. MIKHAYLOVA</p> <p>2 Q. 2018 you went back to work?</p> <p>3 A. Yes. He was only like four</p> <p>4 weeks old.</p> <p>5 Q. And that was Louis Vuitton?</p> <p>6 A. Yes.</p> <p>7 Q. Even though you had worked</p> <p>8 almost consistently since your discharge</p> <p>9 you were still asking for ten years of</p> <p>10 wages from Bloomingdale's; is that</p> <p>11 correct?</p> <p>12 A. Yes, correct.</p> <p>13 Q. And the, of course, you are</p> <p>14 asking for attorney fees. Do have, in</p> <p>15 fact, have an agreement with your counsel</p> <p>16 for counsel fees? I don't want details.</p> <p>17 I just want to know that.</p> <p>18 A. Yes.</p> <p>19 Q. We are going to mark as Exhibit</p> <p>20 J your interrogatory responses.</p> <p>21 (Whereupon, interrogatory</p> <p>22 responses was marked as Defendant's</p> <p>23 Exhibit J for identification as of</p> <p>24 this date.)</p> <p>25 Q. Once again, this is a list of</p> <p style="text-align: right;">Page 185</p>

<p>1 K. MIKHAYLOVA</p> <p>2 people that you believe have knowledge of</p> <p>3 your case. Houser, Law. You list Yuyu</p> <p>4 Lai. And you know Yuyu Lai from New York,</p> <p>5 you met her there. Where did you meet</p> <p>6 Yuyu Lai?</p> <p>7 A. It was at a dim sum place in</p> <p>8 Flushing. That's where I met her. It was</p> <p>9 in Flushing, Queens.</p> <p>10 Q. What does Yuyu Lai do for a</p> <p>11 living?</p> <p>12 A. At the moment she takes care of</p> <p>13 her daughter. Actually, Yuyu Lai comes</p> <p>14 from a super wealthy family. She doesn't</p> <p>15 do anything for a living at the moment. I</p> <p>16 don't think she even did anything for a</p> <p>17 living at that time. Yuyu Lai used to own</p> <p>18 a cell phone store in Boston. No, not</p> <p>19 Boston. She had a cell phone business</p> <p>20 that her parents gave her. She no longer</p> <p>21 lives there. She is in Taiwan and she a</p> <p>22 stay-at-home mom.</p> <p>23 Q. You understand she owned a cell</p> <p>24 phone store in Boston?</p> <p>25 A. Yes.</p> <p>Page 186</p>	<p>1 K. MIKHAYLOVA</p> <p>2 A. Yes, probably.</p> <p>3 Q. What is her connection?</p> <p>4 A. She was the one that took down</p> <p>5 the information if I'm not mistaken when I</p> <p>6 was written up. I don't remember her</p> <p>7 name. That's why I wrote his secretary.</p> <p>8 The young lady that was there when I was</p> <p>9 getting questioned, that one.</p> <p>10 Q. The witness to the interview?</p> <p>11 A. Huh-huh. You mentioned her name</p> <p>12 today but I don't remember.</p> <p>13 Q. Shanine Gray?</p> <p>14 A. Is that the one that signed off</p> <p>15 when I was sitting there? If that's the</p> <p>16 one, then that's the one.</p> <p>17 Q. What is Angy Lee? I think it is</p> <p>18 A-N-G-Y, actually. Is that a male or</p> <p>19 female?</p> <p>20 A. That's a female.</p> <p>21 Q. What is her connection to your</p> <p>22 case?</p> <p>23 A. So, she was the one that shipped</p> <p>24 stuff to -- and same thing with Edress, to</p> <p>25 Yuyu Lai that she said she was shipping --</p> <p>Page 188</p>
<p>1 K. MIKHAYLOVA</p> <p>2 Q. Where did she live physically?</p> <p>3 A. She used to live there. She no</p> <p>4 longer lives there.</p> <p>5 Q. So why were you mailing stuff to</p> <p>6 her in New Hampshire?</p> <p>7 MS. MENDOZA: Objection.</p> <p>8 You can answer.</p> <p>9 A. She lived in New Hampshire.</p> <p>10 Sorry, not Boston. I don't know where I am</p> <p>11 getting that from. She lived in New</p> <p>12 Hampshire, not in Boston.</p> <p>13 Q. What part of New Hampshire?</p> <p>14 A. I want to say Bedford but I</p> <p>15 might be incorrect. I don't remember. I</p> <p>16 don't remember -- I don't know why I got</p> <p>17 Boston. I don't remember where she lived</p> <p>18 in New Hampshire.</p> <p>19 Q. Have you been been to her house</p> <p>20 in New Hampshire?</p> <p>21 A. I have met her in New Hampshire.</p> <p>22 I don't know where she lived though. I</p> <p>23 have no idea where in New Hampshire.</p> <p>24 Q. Then you say Chris's secretary.</p> <p>25 I assume that's Castellani's secretary?</p> <p>Page 187</p>	<p>1 K. MIKHAYLOVA</p> <p>2 well, Edress, he bought a bag for his mom</p> <p>3 and he shipped one time. Angy was</p> <p>4 shipping her stuff to her so that she</p> <p>5 wouldn't have to pay tax.</p> <p>6 Q. Now Exhibit K is your response</p> <p>7 to request for admission.</p> <p>8 (Whereupon, response to request</p> <p>9 for admission was marked as</p> <p>10 Defendant's Exhibit K for</p> <p>11 identification as of this date.)</p> <p>12 Q. Do you recall completing the</p> <p>13 response to this document?</p> <p>14 A. Yes.</p> <p>15 Q. And you understand that the</p> <p>16 facts that are stated here if you say</p> <p>17 admitted are considered admissions?</p> <p>18 A. Yes.</p> <p>19 Q. Were you aware that there were,</p> <p>20 in fact, limits as to the amount of</p> <p>21 handbags that could be purchased?</p> <p>22 MS. MENDOZA: Objection.</p> <p>23 You can answer.</p> <p>24 A. Yes. There were limits, but it</p> <p>25 was under -- when we had sale we had no</p> <p>Page 189</p>

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<p>1 K. MIKHAYLOVA 2 limits. We were told we didn't have any 3 limits during sale. So it was under 4 management. In our document it says, in 5 the book it did says under manager's 6 discretion. So there were certain times 7 when there were no limits. There were 8 only limit on handbags. On sale, we 9 didn't have a limit on it. 10 Q. What was the limit, the normal 11 limit? 12 A. 12 handbags a year. 13 Q. Maximum two per month? 14 A. Correct, unless if you buy three 15 in one month then you can only buy one the 16 next month. 17 Q. Was it a specific sale -- 18 A. It was -- 19 Q. What constituted a sale? You 20 said when there was a sale the rule was 21 different. What does that mean, what kind 22 of sale? 23 A. It was all merchandise, lot of 24 it was unsellable condition. It was 25 slightly damaged or like materials that</p> <p style="text-align: right;">Page 190</p>	<p>1 K. MIKHAYLOVA 2 trendy CC. It was like a big bag. 3 Q. You had three bags? 4 A. Yes. She said if you are able 5 to get your hands on it, you should get 6 it. It was good bags. I mean, they were 7 great pieces. They had scratches on them 8 but I didn't care. They were trying to 9 get rid of that merchandise. I asked 10 several times if sale was included in your 11 limit just to clarify and I was told sale 12 was not included in our limits per 13 management. 14 Q. Who did that; your co-workers or 15 managers? 16 A. Co-workers too, but Cathy and 17 Denis Diaz. 18 THE WITNESS: Give me one 19 second. Hold on one second. 20 MS. TIERNEY: Okay. Back to 21 Exhibit K the admission. 22 Q. This talks about the handbags 23 policy and it says it can be exceeded with 24 the manager's approval? 25 A. Yes.</p> <p style="text-align: right;">Page 192</p>
<p>1 K. MIKHAYLOVA 2 didn't sell. So they were would put it on 3 40, 50, 70 percent off. Some of it was 4 like -- there was a lot of bags but it was 5 just stuff that were super old and damaged 6 merchandize that they would mark off to 7 like 60 off, 70 off. Some of them was 8 just double. Some of it was like 9 discounted at like 70 off, sometimes 60. 10 It depended on the sale. 11 Q. You recall something that said 12 manager's discretion. Does that mean you 13 had to get approval to buy more of them? 14 A. There were no limits as to how 15 much you can buy per management. 16 Q. Did you ever ask your manager 17 Denis Diaz when you were sending stuff out 18 if it was okay to buy more than the 19 number? 20 A. I asked Cathy Younis one time 21 because I was buying a few pieces and she 22 said yes. 23 Q. What were you buying 24 specifically? 25 A. I was buying two totes and</p> <p style="text-align: right;">Page 191</p>	<p>1 K. MIKHAYLOVA 2 Q. If you were exceeding the number 3 of bags allowed on the policy, you had to 4 get permission from a manager? 5 A. Yes. 6 Q. This also talks about document 7 produced by Bloomingdale's Bates 298. 8 (Whereupon, Bloomingdale's Bates 9 298 was marked as Defendant's Exhibit 10 L for identification as of this date.) 11 Q. The admission is that is, in 12 fact, your signature on the document. 13 Here is the document. Is that, in fact, 14 your signature, ma'am? 15 A. Yes, it is. 16 Q. Did you sign that document on or 17 about May 3 of 2016? 18 A. Yes. 19 Q. We talked earlier about the 20 handbook and this document says I 21 acknowledge that I have received a copy of 22 the Bloomingdale's associate handbook and 23 I understand I am responsible for reading 24 the contents of the handbook and comply 25 with all company policies and procedures</p> <p style="text-align: right;">Page 193</p>

<p>1 K. MIKHAYLOVA</p> <p>2 and rules. Does that refresh as to</p> <p>3 whether or not you received a copy of the</p> <p>4 employees handbook?</p> <p>5 MS. MENDOZA: Objection.</p> <p>6 You can answer.</p> <p>7 A. I don't remember receiving it.</p> <p>8 I remember seeing it.</p> <p>9 Q. Would you have signed something</p> <p>10 saying you didn't --</p> <p>11 A. I did sign it because I was told</p> <p>12 to sign it so I definitely -- I know I</p> <p>13 signed it because I had to sign it but I</p> <p>14 didn't receive it. I just don't remember</p> <p>15 me taking one home physically as to</p> <p>16 that's the policies and procedures.</p> <p>17 Q. You could have, you just don't</p> <p>18 remember?</p> <p>19 A. You are right, I could have.</p> <p>20 Q. Are you in the habit of signing</p> <p>21 things that are untrue?</p> <p>22 MS. MENDOZA: Objection.</p> <p>23 You can answer.</p> <p>24 A. No, not at all. It is just --</p> <p>25 with this, it was a work thing. If they</p> <p>Page 194</p>	<p>1 K. MIKHAYLOVA</p> <p>2 the requirement. Two handbags per</p> <p>3 transaction. So even customers can only</p> <p>4 buy two handbags at a time?</p> <p>5 A. That was the rule.</p> <p>6 Q. And the same for employees as</p> <p>7 well?</p> <p>8 A. Yes.</p> <p>9 Q. Four handbags per months so 24 a</p> <p>10 year?</p> <p>11 A. Yes.</p> <p>12 Q. Is that correct or is that not</p> <p>13 accurate?</p> <p>14 A. That must be correct.</p> <p>15 Q. This transaction history is</p> <p>16 tracked to ensure adherence?</p> <p>17 A. Yes.</p> <p>18 Q. Did you understand that the</p> <p>19 company took that particular policy</p> <p>20 seriously with respect to following the</p> <p>21 guidelines?</p> <p>22 A. To cover my track I asked them</p> <p>23 if it was okay. I didn't want to get into</p> <p>24 trouble for that.</p> <p>25 Q. But you agree this was something</p> <p>Page 196</p>
<p>1 K. MIKHAYLOVA</p> <p>2 need, I would just sign it because they</p> <p>3 asked me to sign it. I probably skimmed</p> <p>4 through it.</p> <p>5 Q. Just because somebody asked you</p> <p>6 at work to sign something that is</p> <p>7 inaccurate and untrue, would you still</p> <p>8 sign it?</p> <p>9 A. No.</p> <p>10 Q. You deny No. 13. That is Bates</p> <p>11 379. Exhibit M is going to be Bates 379</p> <p>12 to 380.</p> <p>13 (Whereupon, Bates 379 to 380 was</p> <p>14 marked as Defendant's Exhibit M for</p> <p>15 identification as of this date.)</p> <p>16 Q. Standard of conduct. This is</p> <p>17 from this handbook that you just signed</p> <p>18 the document saying you received. Do you</p> <p>19 recall seeing this set of rules?</p> <p>20 A. I recall that. I think I recall</p> <p>21 but I don't remember when, where, but I</p> <p>22 recall seeing that.</p> <p>23 Q. There is a section about Chanel</p> <p>24 handbags particularly on the next page.</p> <p>25 You cannot split transactions to satisfy</p> <p>Page 195</p>	<p>1 K. MIKHAYLOVA</p> <p>2 you were agreed to follow as an employee?</p> <p>3 A. Yes.</p> <p>4 Q. Do you know why it is denied on</p> <p>5 the admissions?</p> <p>6 A. No.</p> <p>7 Q. Your testimony today is that</p> <p>8 that is, in fact, something you were</p> <p>9 required to follow?</p> <p>10 A. It is denied because it was</p> <p>11 under manager's discretion. So, because</p> <p>12 there is like a gray line, gray area with</p> <p>13 this. Because if this was approved by the</p> <p>14 manager to buy, then I was allowed to buy.</p> <p>15 Q. This document does not say that</p> <p>16 there is an exception; does it?</p> <p>17 A. This document doesn't, but there</p> <p>18 was another document that does say that.</p> <p>19 Hold on. There was definitely another</p> <p>20 document that said it was under manager's</p> <p>21 discretion. There were several different</p> <p>22 documents on this.</p> <p>23 Q. This one says that if the</p> <p>24 customer really wants to buy more than the</p> <p>25 limit and there was a reason and not a</p> <p>Page 197</p>

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<p>1 K. MIKHAYLOVA 2 diverter, wedding party for example, that 3 the general manager or the senior 4 executive for that department could 5 approve that exception, right? 6 A. Correct. 7 Q. These are the documents, the 8 reminder documents. I am going to belabor 9 this a little bit more. During the 10 interview you admitted to mailing handbags 11 to out-of-state relatives to avoid sales 12 tax. And this response says Mr. 13 Castellani demanded you say that. My 14 understanding of your testimony and I 15 guess what I am confused about is while he 16 asked that question you, in fact, were 17 mailing stuff for your personal use to 18 avoid sales tax? 19 A. Some stuff, yes. He was 20 demanding that I say that during my 21 conversation with him. 22 Q. But it was, in fact, true? 23 A. Yes. 24 Q. Whether he was demanding it or 25 not does not change the fact that it was a</p> <p style="text-align: right;">Page 198</p>	<p>1 K. MIKHAYLOVA 2 A. Yes. 3 Q. What does your uncle Chumo live? 4 A. At that time I don't know where 5 he lived. Now he lives in -- I think New 6 Jersey. I sent a give for his wife. 7 Q. To the same address as Yuyu Lai? 8 A. I don't remember the address. 9 Q. How about Sophia Mikhaylova? 10 Who is Sophia? 11 A. My cousin. 12 Q. Where did she live at this time? 13 A. I don't remember. I think she 14 was going to school -- I think she was 15 going to school in New Hampshire. 16 Q. Do you know where she was going 17 to school in New Hampshire? 18 A. No. 19 Q. Do you know what is located at 20 373 South Willow Street in Manchester, New 21 Hampshire? 22 A. No. 23 Q. Do you know if it is actually 24 some type of -- strike that. 25 Where did you get that address</p> <p style="text-align: right;">Page 200</p>
<p>1 K. MIKHAYLOVA 2 true statement; is that correct? 3 A. Yes. 4 Q. It does not change it; is that 5 right? I asked in the negative. 6 A. Yes. 7 Q. The fact that he asked doesn't 8 change the fact that it was true; is that 9 correct? 10 A. Yes. 11 Q. We will get to your witness 12 statement. Do you know if avoiding sales 13 tax is a violation of Bloomingdale's 14 policy? 15 A. No, I did not know that. 16 Q. Do you know if that's a 17 violation of the law? 18 A. No, I did not know that. That 19 was the first time I did that when I 20 worked there. I never did it before. 21 Q. Who is Chumo Mikhaylova? 22 A. Family member. 23 Q. Who in the family? 24 A. My uncle. 25 Q. Chumo is a male name?</p> <p style="text-align: right;">Page 199</p>	<p>1 K. MIKHAYLOVA 2 373 South Willow Street in Manchester, 3 New Hampshire? 4 A. From Yuyu Lai. She told me 5 someone will be there to sign. If you 6 don't sign for the package, it will come 7 back to the store. 8 Q. Chumo Mikhaylova, 373 South 9 Willow Street in Manchester, New 10 Hampshire. Polagrains Pan America, what 11 is Polagrains Pan America? 12 A. I don't remember. 13 Q. Is that something that Yuyu Lai 14 was attached to? 15 A. I don't remember. I can't 16 recall. 17 Q. And then next one is 373 South 18 Willow Street. Now you have got D11 Unit 19 204. Do you know what that refers to? Is 20 that like a box or what is that? 21 A. I don't remember. I don't 22 remember. 23 Q. Next one is 373 South Willow 24 Street, Unit 320. Do you remember what 25 that was?</p> <p style="text-align: right;">Page 201</p>

<p>1 K. MIKHAYLOVA</p> <p>2 A. I think you mentioned that. I</p> <p>3 don't remember.</p> <p>4 Q. Once again, next one is</p> <p>5 Polagrains Pan America. You don't</p> <p>6 remember that either?</p> <p>7 A. No.</p> <p>8 Q. We have Yuyu Lai. 373 South</p> <p>9 Willow Street, Unit 204. Was this a</p> <p>10 standard mailing address for Yuyu Lai to</p> <p>11 your knowledge?</p> <p>12 A. I don't remember.</p> <p>13 Q. Then there is another address</p> <p>14 373 South Willow Street PMB330 Manchester.</p> <p>15 Do you know what the number 330 is?</p> <p>16 A. I don't remember.</p> <p>17 Q. Then there is another one to</p> <p>18 Polagrains Pan America at the same address</p> <p>19 PMB330. Do you recall why you were</p> <p>20 sending it to Polagrains Pan America?</p> <p>21 A. No.</p> <p>22 Q. Then you sent one to yourself at</p> <p>23 that address --</p> <p>24 A. I don't know why. These people</p> <p>25 were ringing me up. I don't know why they</p> <p style="text-align: right;">Page 202</p>	<p>1 K. MIKHAYLOVA</p> <p>2 taken from 2:46 p.m. to 2:54 p.m.)</p> <p>3 MS. TIERNEY: Back on the</p> <p>4 record.</p> <p>5 Q. There was also a bag sent to</p> <p>6 4605 Woodfield Street, Vancleave,</p> <p>7 Mississippi and I think you testified</p> <p>8 earlier --</p> <p>9 A. Yeah, I don't recall.</p> <p>10 Q. But you sent some bags to that</p> <p>11 address, correct?</p> <p>12 A. I don't recall.</p> <p>13 Q. Let me go through a few more of</p> <p>14 these but I think you got the point. Is</p> <p>15 it true, Ms. Mikhaylova, that you deny</p> <p>16 selling these bags or sending these bags</p> <p>17 to Willow Street and Mississippi to give</p> <p>18 or sell to a diverter?</p> <p>19 A. Correct.</p> <p>20 Q. You admit though that you have</p> <p>21 co-workers who also mailed purchases to</p> <p>22 the Willow Street address?</p> <p>23 A. So save on tax, yes.</p> <p>24 Q. Were you aware that you had rung</p> <p>25 90,000 worth of fraudulent sales in</p> <p style="text-align: right;">Page 204</p>
<p>1 K. MIKHAYLOVA</p> <p>2 put. I wasn't the one. Somebody might</p> <p>3 have just typed it in that they are just</p> <p>4 sending it to me, whoever rung it up. I</p> <p>5 don't know why they would put my name. I</p> <p>6 don't ring myself up. Somebody rung it up</p> <p>7 and they might have rung me up and put</p> <p>8 that name on there which is my name. I</p> <p>9 don't remember why my name.</p> <p>10 Q. If you are buying something and</p> <p>11 somebody else is ringing you up, wouldn't</p> <p>12 they get the send address from you?</p> <p>13 A. I don't know why they would put</p> <p>14 my name. I don't remember. I don't</p> <p>15 recall.</p> <p>16 Q. And then one is to Christina</p> <p>17 Polygreen Pam? You don't remember?</p> <p>18 A. I have a cousin named Christina</p> <p>19 with a C, but I don't remember. I don't</p> <p>20 remember.</p> <p>21 Q. There is one at 4605 Woodfield</p> <p>22 Street, Vancleave, Mississippi.</p> <p>23 MS. TIERNEY: Did we lose her?</p> <p>24 Ms. Mikhaylova? I think we lost her.</p> <p>25 (Whereupon, a short recess was</p> <p style="text-align: right;">Page 203</p>	<p>1 K. MIKHAYLOVA</p> <p>2 January February of 2017?</p> <p>3 A. No. I wasn't aware but those --</p> <p>4 I don't know how much those sales</p> <p>5 accumulate to that we were talking about</p> <p>6 early today.</p> <p>7 Q. That sounds like a lot to me.</p> <p>8 Does that sound like a lot to me?</p> <p>9 A. Yeah. I mean, Chanel handbag is</p> <p>10 6, 7,000. So it is easy to get to that</p> <p>11 amount.</p> <p>12 Q. Did you also ring purchases for</p> <p>13 co-workers who were buying bags and</p> <p>14 sending to the Willow Street address,</p> <p>15 right?</p> <p>16 A. Yes.</p> <p>17 Q. And were you aware some of the</p> <p>18 cards you used to make purchases were</p> <p>19 compromises cards or part of a fraud</p> <p>20 scheme?</p> <p>21 A. No, I was not aware.</p> <p>22 Q. Did you recruit your co-workers</p> <p>23 to participate in a diversion scheme to</p> <p>24 assist Yuyu Lai in getting Chanel bags?</p> <p>25 A. No.</p> <p style="text-align: right;">Page 205</p>

<p>1 K. MIKHAYLOVA 2 Q. I think you told me you didn't 3 think diversion was not a terminable 4 offence at Bloomingdale's but the last two 5 admissions, that confuses me. No. 50 says 6 admit selling to a known diverter is a 7 violation of Bloomingdale's policy and you 8 admit that. 51 says admit that 9 Bloomingdale's policy is to terminate 10 employees who sell to a known diverter and 11 you admit is that as well. So you admit 12 that Bloomingdale's had a policy against 13 selling to a diverter and you could be 14 terminated for violating that policy, 15 right? 16 MS. MENDOZA: Objection. You 17 can answer. 18 A. I don't recall that. 19 THE WITNESS: I just need one 20 second. Okay. 21 (Whereupon, Bates 297 was marked 22 as Defendant's Exhibit N for 23 identification as of this date.) 24 Q. We are going to have another 25 exhibit and I am hoping you can see it.</p> <p style="text-align: right;">Page 206</p>	<p>1 K. MIKHAYLOVA 2 A. I don't recall the exact amount. 3 Q. Do you have a ballpark? 4 A. For the whole year? 5 Q. Yes. 6 A. Above a hundred. 7 Q. Other than your W-2s and your 8 paychecks, is there anything else that you 9 would be relying on to figure out what 10 your annual rate was at Bloomingdale's? 11 A. No. 12 Q. I have a new exhibit. This is 13 Exhibit O. 14 (Whereupon, Bates 821 to 823 was 15 marked as Defendant's Exhibit O for 16 identification as of this date.) 17 Q. This Bates 821 to 823. This is 18 a case that you submitted to ask HR. This 19 says associate inquired about who to speak 20 to with regard to an in-store conflict. 21 This looks like somewhere around 22 June 2017. That was expected resolution. 23 Did you call to ask HR when you found out 24 you were being terminated or did you call 25 before then?</p> <p style="text-align: right;">Page 208</p>
<p>1 K. MIKHAYLOVA 2 Exhibit M is what I have. This is Bates 3 297. Is that, in fact, your signature, 4 Ms. Mikhaylova? 5 A. I can't see my screen. 6 Q. Sorry. You are right. Do you 7 see the screen now? 8 A. Yes. 9 Q. Is that, in fact, your 10 signature? 11 A. Yes. 12 Q. It is signed on or about May 3rd 13 of 2016? 14 A. Yes. 15 Q. And it is that you will 16 basically comply with Bloomingdale's time 17 and attendance policies? 18 A. Yes. 19 Q. And that's what this document 20 is; is that correct? 21 A. Yes. 22 Q. Ms. Mikhaylova, do you know how 23 much money you made at Bloomingdale's 24 during the time you worked there, what it 25 averaged out to annually?</p> <p style="text-align: right;">Page 207</p>	<p>1 K. MIKHAYLOVA 2 A. I don't recall. I'm sorry. 3 Q. You don't recall calling anybody 4 other than sending e-mails to Richard Law? 5 A. I might have called HR but I 6 can't remember specifically what I did. 7 Q. Fair enough. 8 (Whereupon, Bates 1021 to 1086 9 was marked as Defendant's Exhibit P 10 for identification as of this date.) 11 Q. Exhibit P is the Bloomingdale's 12 handbook. It is Bates 1021 to 1086. I am 13 going to go through the first couple of 14 pages to see if this refreshes as to 15 whether or not you were given a copy. I 16 know you said you signed something saying 17 you were given a copy but you also said 18 you don't recall. If you need me to go 19 slower or faster, whatever you prefer this 20 is but just to give you a little bit -- 21 A. I might have gotten that one 22 when I first started during orientation. 23 I can't be a hundred percent. I am 24 assuming that's when I got it. 25 Q. I am going to show you a picture</p> <p style="text-align: right;">Page 209</p>

<p>1 K. MIKHAYLOVA</p> <p>2 of someone. Do you recognize that person?</p> <p>3 A. That picture is kind of blurry</p> <p>4 on my phone. I can't tell who that is.</p> <p>5 No, I have no idea who that is.</p> <p>6 Q. That's not Yuyu Lai?</p> <p>7 A. No. That's definitely not Yuyu</p> <p>8 Lai that I know. That I know.</p> <p>9 Q. This came from an announcement</p> <p>10 February 2017 opening of her store, X</p> <p>11 Closet which sold as you can see from the</p> <p>12 picture, it shows you purses?</p> <p>13 A. That's not the Yuyu that I know.</p> <p>14 I have no idea who that is.</p> <p>15 Q. You were not aware that she</p> <p>16 owned a boutique called X Closet?</p> <p>17 A. No. I know she had a cell phone</p> <p>18 business.</p> <p>19 Q. How old is Yuyu Lai to your best</p> <p>20 estimate?</p> <p>21 A. She was around the same age as</p> <p>22 me.</p> <p>23 Q. So about thirty-five?</p> <p>24 A. Huh-huh. She maybe a little</p> <p>25 younger. I'm not sure.</p> <p style="text-align: right;">Page 210</p>	<p>1 K. MIKHAYLOVA</p> <p>2 A. Yes.</p> <p>3 Q. All right. I just want to make</p> <p>4 sure you remember that.</p> <p>5 Were you aware the discount</p> <p>6 policy that the company had?</p> <p>7 A. I mean, we spoke about it. Yes,</p> <p>8 I was aware of Chanel. I wasn't aware of</p> <p>9 other brands.</p> <p>10 Q. Did you have a discount card?</p> <p>11 Did you get a Bloomingdale's discount?</p> <p>12 A. Yes, I did.</p> <p>13 (Whereupon, Bates 1098 to 1110</p> <p>14 was marked as Defendant's Exhibit R</p> <p>15 for identification as of this date.)</p> <p>16 Q. Normally you would sign off on</p> <p>17 the discount policy as part of your new</p> <p>18 hire documentation. Exhibit R is Bates</p> <p>19 numbers 1098 to 1110. Do you recall</p> <p>20 signing off on the discount policy in</p> <p>21 April 2016?</p> <p>22 A. I might have, yes. I probably.</p> <p>23 Q. Several things that are listed</p> <p>24 as a violation of the discount policy.</p> <p>25 Discount talks about when it is</p> <p style="text-align: right;">Page 212</p>
<p>1 K. MIKHAYLOVA</p> <p>2 Q. I am assuming she is of Asian</p> <p>3 ancestry?</p> <p>4 A. Yes.</p> <p>5 Q. Exhibit Q. 1087, 1088 is the</p> <p>6 Bates number.</p> <p>7 (Whereupon, Bates 1087, 1088</p> <p>8 was marked as Defendant's Exhibit Q</p> <p>9 for identification as of this date.)</p> <p>10 Q. When you started working at</p> <p>11 Bloomingdale's, do you recall doing some</p> <p>12 online sign off on policies and</p> <p>13 procedures?</p> <p>14 A. I don't recall. I'm not sure.</p> <p>15 I don't remember.</p> <p>16 Q. I will tell you this is an</p> <p>17 internal document.</p> <p>18 A. Is it the one that we did like</p> <p>19 the shooting and stuff like that -- yeah.</p> <p>20 Q. This one is from April 19, 2016?</p> <p>21 A. Yes, I remember.</p> <p>22 Q. You signed off on the associate</p> <p>23 handbook?</p> <p>24 A. Yes.</p> <p>25 Q. And the code of conduct?</p> <p style="text-align: right;">Page 211</p>	<p>1 K. MIKHAYLOVA</p> <p>2 appropriate and it can only be for your</p> <p>3 personal use or gift. And you knew that,</p> <p>4 correct?</p> <p>5 A. Yes, I did know that.</p> <p>6 Q. You pay with the credit card and</p> <p>7 you get the discount?</p> <p>8 A. Correct.</p> <p>9 Q. Then it talks about associate</p> <p>10 discount abuse is a serious offence.</p> <p>11 Allowing somebody ineligible to receive a</p> <p>12 discount by loaning the card, making a</p> <p>13 purchase with your discount, when</p> <p>14 purchasing with intent to resell. So</p> <p>15 resell to a diverter would be a violation</p> <p>16 of discount policy, right?</p> <p>17 A. Yes.</p> <p>18 Q. To your knowledge, once again,</p> <p>19 going back to the admission, that is</p> <p>20 terminable offence?</p> <p>21 A. Yes.</p> <p>22 Q. I think these are documents you</p> <p>23 produced, Ms. Mikhaylova. Do you know</p> <p>24 what this is? I will state for the record</p> <p>25 this is Exhibit S and it is Mikhaylova 171</p> <p style="text-align: right;">Page 213</p>

<p>1 K. MIKHAYLOVA 2 to 175. 3 (Whereupon, Mikhaylova 171 to 4 175 was marked as Defendant's Exhibit 5 S for identification as of this date.) 6 A. Are these my purchases? 7 Q. Yes. So is there anything on 8 this that suggests that this is somehow a 9 discount or -- 10 A. No. The discount comes out back 11 of house at Bloomingdale's. 12 Q. There would be nothing on the 13 receipt that would say this is one of the 14 ones that I can buy more of because it is 15 a discount purchase? 16 A. Yes, correct. 17 Q. Do you know who rang this? Who 18 this number is, 72061239? 19 A. No. 20 Q. This was one that was actually 21 sent to your home address, right? 22 A. Yes. 23 Q. Is this your phone number 24 646-270-0228? 25 A. Yes. It is my address.</p> <p style="text-align: right;">Page 214</p>	<p>1 K. MIKHAYLOVA 2 Q. Who is that? I am sorry, I 3 didn't understand. 4 A. It might have been a friend. I 5 don't recall who exactly who it was. 6 Q. Just for the record and so we 7 know, you do not believe this to be the 8 address of a diverter? 9 A. No. No. 10 Q. Sender is Martha, Chanel 11 Handbags. I assume that's Martha Way? 12 A. Yes. 13 Q. Another one. This is your 14 purchase going to Yuyu Lai at Unit 204? 15 A. Yes. 16 Q. Once again friend, not a 17 diverter? 18 A. Correct. 19 Q. And that one said Kristina pick 20 up. Another one to Yuyu Lai. These were 21 produced by you. Was there any reason why 22 you maintained these specific receipts? 23 A. I don't remember as to why I 24 did. 25 Q. Exhibit T is Mikhaylova 176.</p> <p style="text-align: right;">Page 216</p>
<p>1 K. MIKHAYLOVA 2 Q. So sender's phone number and 3 receiver's phone number are both the same 4 and this is your home address? 5 A. Yes. 6 Q. Do you normally put sender's 7 phone number and receiver's phone number 8 as usually the same? 9 A. I don't recall. I don't 10 remember. 11 Q. Why would you send it to your 12 home address if you could just take it 13 home from work? 14 A. Maybe I didn't want to carry it 15 home. I am just assuming. I don't 16 remember what I did. 17 Q. Did you drive back and forth to 18 work or public transportation? 19 A. I took the subway. 20 Q. And then there was another one. 21 This one went to Boynton Street in 22 Manchester, New Hampshire. Who lives 23 there? 24 A. I think that's my friend that 25 lives there. I don't recall exactly.</p> <p style="text-align: right;">Page 215</p>	<p>1 K. MIKHAYLOVA 2 (Whereupon, Mikhaylova 176 was 3 marked as Defendant's Exhibit T for 4 identification as of this date.) 5 Q. I would ask you what this is, 6 Ms. Mikhaylova. 7 A. I can't say. It is a little 8 small. This is the Neiman Marcus -- was 9 that for the position in Chanel? 10 Q. I will tell you what it says. 11 It says it is from, it is dated April 30, 12 2018 from Neiman Marcus Group Human 13 Resource? 14 A. Yeah, that's from Bergdorf 15 Goodman. That's probably for the position 16 at Chanel. 17 Q. This is the Bergdorf Goodman? 18 A. Yes, because it is owned under 19 Neiman Marcus. 20 Q. It says there were many 21 candidates, that you are not going to be 22 selected for the position? 23 A. Yes. 24 Q. Is there any other significance 25 to that particular letter?</p> <p style="text-align: right;">Page 217</p>

<p>1 K. MIKHAYLOVA</p> <p>2 A. No.</p> <p>3 Q. While you have a theory about</p> <p>4 how things happened, you have no</p> <p>5 first-hand knowledge?</p> <p>6 A. Yes. In this particular -- I</p> <p>7 can have other people testify though that</p> <p>8 they know that Eric had made comments to</p> <p>9 Diana.</p> <p>10 Q. Did anybody hear him say that he</p> <p>11 made comments to Diana about you?</p> <p>12 A. Yes.</p> <p>13 Q. Who heard that?</p> <p>14 A. Martha Way.</p> <p>15 Q. What did he say?</p> <p>16 A. He was saying that I -- not to</p> <p>17 hire me. He was giving her the</p> <p>18 explanation as to why I got fired at</p> <p>19 Bloomingdale's which he is not supposed to</p> <p>20 be doing in the first place.</p> <p>21 Q. He is a union rep or union</p> <p>22 person; is that correct?</p> <p>23 A. Yes, correct.</p> <p>24 Q. Other than Martha, has anybody</p> <p>25 told you that Eric was saying anything</p> <p style="text-align: right;">Page 218</p>	<p>1 K. MIKHAYLOVA</p> <p>2 says.</p> <p>3 Q. I don't either.</p> <p>4 A. That's not my handwriting</p> <p>5 though. I don't know if it was produced</p> <p>6 by me.</p> <p>7 Q. Did you get any documents from</p> <p>8 the union as part of the grievance?</p> <p>9 A. Maybe that's them writing it. I</p> <p>10 don't remember. I don't know what that</p> <p>11 is. And the date is 4/27/16. That's kind</p> <p>12 of weird. I don't remember.</p> <p>13 Q. I wonder if it should be 17.</p> <p>14 But you don't remember where that came</p> <p>15 from?</p> <p>16 A. No.</p> <p>17 Q. It was produced by your</p> <p>18 attorney.</p> <p>19 A. I have to go back. I don't</p> <p>20 remember exactly.</p> <p>21 Q. This is going to be Exhibit V.</p> <p>22 Mikhaylova 195 to 196.</p> <p>23 (Whereupon, Mikhaylova 195 to</p> <p>24 196 was marked as Defendant's Exhibit</p> <p>25 V for identification as of this date.)</p> <p style="text-align: right;">Page 220</p>
<p>1 K. MIKHAYLOVA</p> <p>2 about you?</p> <p>3 A. No.</p> <p>4 Q. Or that he said anything to</p> <p>5 Diana?</p> <p>6 A. No.</p> <p>7 Q. This is going to be U. It is</p> <p>8 Mikhaylova 187.</p> <p>9 (Whereupon, Mikhaylova 187 was</p> <p>10 marked as Defendant's Exhibit U for</p> <p>11 identification as of this date.)</p> <p>12 Q. I just want to know what this</p> <p>13 is, Ms. Mikhaylova?</p> <p>14 A. I don't know.</p> <p>15 Q. It looks like a notebook or</p> <p>16 something?</p> <p>17 A. That doesn't look like my</p> <p>18 handwriting.</p> <p>19 Q. Do you know where this came</p> <p>20 from? It was produced by you.</p> <p>21 A. I don't remember. I'm sorry.</p> <p>22 Q. It says term for discount abuse.</p> <p>23 Shipping merchandise to New Hampshire.</p> <p>24 She said her manager too --</p> <p>25 A. I don't even know what that</p> <p style="text-align: right;">Page 219</p>	<p>1 K. MIKHAYLOVA</p> <p>2 Q. This appears to be a copy of one</p> <p>3 of your more recent résumé; is that</p> <p>4 correct?</p> <p>5 A. Yes.</p> <p>6 Q. Reason I say that is it has the</p> <p>7 Chanel Handbags, Bloomingdale's. Then it</p> <p>8 goes onto Louis Vuitton and then to Saks</p> <p>9 Chanel. I guess my main question is what</p> <p>10 did you tell about the reason you left</p> <p>11 Bloomingdale's?</p> <p>12 A. I don't remember even asked,</p> <p>13 being asked why I left Bloomingdale's. I</p> <p>14 don't remember that question being asked</p> <p>15 as to why I left Bloomingdale's. When I</p> <p>16 got hired, I don't think they were worried</p> <p>17 about my previous employment.</p> <p>18 Q. That's all I have on that.</p> <p>19 I know you were talking about</p> <p>20 text messages. Exhibit W is going to be</p> <p>21 Mikhaylova 197 to 201.</p> <p>22 (Whereupon, Mikhaylova 197 to</p> <p>23 201 was marked as Defendant's Exhibit</p> <p>24 W for identification as of this date.)</p> <p>25 Q. Are these some of the text</p> <p style="text-align: right;">Page 221</p>

<p>1 K. MIKHAYLOVA</p> <p>2 messages you had with your co-workers?</p> <p>3 A. Yes.</p> <p>4 Q. Who is Sanela?</p> <p>5 A. Sanela is an employee at</p> <p>6 Bloomingdale's, Chanel Handbags.</p> <p>7 Q. What is her role?</p> <p>8 A. She is a salesperson.</p> <p>9 Q. She is an associate, not a</p> <p>10 manager?</p> <p>11 A. Correct.</p> <p>12 Q. Then you say the ones that were</p> <p>13 on additional, what does that mean?</p> <p>14 A. That means anything like other</p> <p>15 than the additional discount. The ones</p> <p>16 that were on additional meant the ones I</p> <p>17 was telling you about that were 60 or 70</p> <p>18 percent off.</p> <p>19 Q. Did you send this text after you</p> <p>20 were let go? She said is everything okay.</p> <p>21 You said yeah, I am just asking, my</p> <p>22 co-worker is asking. Were you gathering</p> <p>23 information for your case?</p> <p>24 A. I don't remember when the</p> <p>25 timeline is when I sent that.</p> <p>Page 222</p>	<p>1 K. MIKHAYLOVA</p> <p>2 Q. Once again this is an employee</p> <p>3 or associate, not a manager?</p> <p>4 A. Correct.</p> <p>5 Q. She says the ones that are on</p> <p>6 additional. She says no limit on the 60</p> <p>7 20 20. What does that mean?</p> <p>8 A. That's additional discount I was</p> <p>9 telling you about. That's what she is</p> <p>10 referring to.</p> <p>11 Q. What are the numbers there? Do</p> <p>12 you have any knowledge?</p> <p>13 A. 60 percent off, then another</p> <p>14 20 percent off, and then another</p> <p>15 20 percent off.</p> <p>16 Q. Mercedes Modesto, I think is</p> <p>17 also another sales associate.</p> <p>18 A. No. She is part of security.</p> <p>19 Q. But she is on 59 Street?</p> <p>20 A. Correct, Bloomingdale's.</p> <p>21 Q. Do you have any other text</p> <p>22 messages related to this issue?</p> <p>23 A. Not at the moment. Not to my</p> <p>24 knowledge unless I have submitted them in.</p> <p>25 Q. Let's move on to Exhibit X.</p> <p>Page 224</p>
<p>1 K. MIKHAYLOVA</p> <p>2 Q. It looks like June 20th. So you</p> <p>3 were already let go at that particular</p> <p>4 time.</p> <p>5 A. Was that June 20th that I sent</p> <p>6 the messages over, or was that that I</p> <p>7 copied the messages, or was that -- I</p> <p>8 don't know if that was from before that I</p> <p>9 was gathering the information. That could</p> <p>10 have been a message from before but I</p> <p>11 don't remember.</p> <p>12 Q. You don't remember?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Amapara?</p> <p>15 A. Ampara.</p> <p>16 Q. Who is that?</p> <p>17 A. She is the salesperson at Chanel</p> <p>18 Handbags.</p> <p>19 Q. At Bloomingdale's?</p> <p>20 A. Yes.</p> <p>21 Q. She is an associate as well?</p> <p>22 A. Correct, salesperson.</p> <p>23 Q. You ask hey, Kemi. Who is Kemi?</p> <p>24 A. She is salesperson at Chanel</p> <p>25 Handbags.</p> <p>Page 223</p>	<p>1 K. MIKHAYLOVA</p> <p>2 (Whereupon, Mikhaylova 213 to</p> <p>3 216 was marked as Defendant's Exhibit</p> <p>4 X for identification as of this date.)</p> <p>5 Q. This is Mikhaylova 213 to 216.</p> <p>6 I think some of these we have already</p> <p>7 talked about, Ms. Mikhaylova.</p> <p>8 A. Yes.</p> <p>9 Q. It looks like you went to see</p> <p>10 your physician on November 21st of 2019?</p> <p>11 A. Yes.</p> <p>12 Q. Your chief complaint was</p> <p>13 anxiety?</p> <p>14 A. Yes.</p> <p>15 Q. Do you recall that going to</p> <p>16 Briarwood Medical?</p> <p>17 A. Yes.</p> <p>18 Q. This was two and a half years</p> <p>19 after you left Bloomingdale's, give or</p> <p>20 take?</p> <p>21 A. Yes.</p> <p>22 Q. This talks about the history of</p> <p>23 present illness. Patient believes she</p> <p>24 needs time off work to help manage</p> <p>25 symptoms. Did you, in fact, take time off</p> <p>Page 225</p>

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<p>1 K. MIKHAYLOVA 2 in November of 2019 to manage symptoms? 3 A. I did. I think I took two or 4 three weeks off. 5 Q. Did you go through the leave of 6 absence process at Saks or Chanel? 7 A. Yes. I believe I did. 8 Q. And then you went back to work 9 after? 10 A. Yes. 11 Q. It says they are relatively 12 pervasive symptoms that come and go. 13 Present for, there is nothing. You have 14 difficulty with sleep, nervousness, and 15 occasional panic attacks, heart rate rapid 16 and palpitations, sleep disturbance. Then 17 it says stress stable. Support from 18 spouse. Panic attacks. None. I don't 19 understand any of that. Okay. 20 Do you recall what your symptoms 21 were. Were those your symptoms difficulty 22 sleeping, excessive sweating, nervousness 23 -- 24 A. Yes. 25 Q. That was what you were having in</p> <p>Page 226</p>	<p>1 K. MIKHAYLOVA 2 Lexapro at that point in time? 3 A. Yes. 4 Q. Your diagnosis was headaches and 5 anxiety disorder? 6 A. Yes. 7 Q. Do you, in fact, have migraines? 8 Have you been referred to a neurologist? 9 MS. MENDOZA: Objection. You 10 can answer. 11 A. No. Not at the moment. 12 MS. TIERNEY: Why don't we take 13 a short break? Let me go through the 14 documents I have left. Maybe five 15 minutes or so. 16 MS. MENDOZA: Okay. 17 (Whereupon, a short recess was 18 taken.) 19 MS. TIERNEY: Back on the 20 record. 21 (Whereupon, Document 1894 to 22 1600 Bloomingdale's was marked as 23 Defendant's Exhibit Y for 24 identification as of this date.) 25 Q. I am going to show you Exhibit Y</p> <p>Page 228</p>
<p>1 K. MIKHAYLOVA 2 2019? 3 A. Yes. 4 Q. Did the two to three weeks off 5 with the medication give you the relief 6 you needed? 7 A. No. 8 Q. But you were back to work 9 anyway? 10 A. I had no choice. 11 Q. At that time you were not taking 12 any medications? 13 A. Correct. 14 Q. You were diagnosed with anxiety 15 disorder unspecified. He referred you to 16 a psych and you had Lexapro 5 milligrams 17 which you said earlier that you took for 18 three months and then you quit on your 19 own? 20 A. Yes. 21 Q. Then it looks like you went back 22 a week later, six days later, something 23 like that? 24 A. Yes. 25 Q. You were still taking your</p> <p>Page 227</p>	<p>1 K. MIKHAYLOVA 2 which is 1894 to 1600 Bloomingdale's. 3 MS. TIERNEY: Are you on your 4 phone now or your computer? 5 THE WITNESS: It didn't work. I 6 didn't want to keep you guys waiting. 7 Q. This is what appears to be your 8 statement written on June 6, 2017 at 9 1:40 p.m. Do you recognize this document, 10 Ms. Mikhaylova? 11 A. Yes. 12 Q. I think that's your signature at 13 the end and you wrote the date June 6, 14 2017; is that correct? 15 A. Yes, correct. 16 Q. If you read you there, through 17 the statement it talks about Chris and 18 Shanine. 19 A. Yes. 20 Q. You said something about in 21 February we found out we will be going 22 lease and the discount will not be as 23 good? 24 A. Yes. 25 Q. How was the discount you receive</p> <p>Page 229</p>

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<p>1 K. MIKHAYLOVA</p> <p>2 impacted by the --</p> <p>3 A. Once it was leased, the</p> <p>4 department, you were no longer allowed to</p> <p>5 buy any bags on discount. That's when I</p> <p>6 started to by my bags because they are no</p> <p>7 longer -- the discount was no longer going</p> <p>8 to be valid for any employees.</p> <p>9 Q. I know you previously said you</p> <p>10 used your own money and money from your</p> <p>11 grandmother, et cetera, to buy the bags.</p> <p>12 How did your grandmother convey the money</p> <p>13 to you that you said she gave? Was it</p> <p>14 check, did you deposit?</p> <p>15 A. She gave me --</p> <p>16 MS. MENDOZA: Objection.</p> <p>17 You can answer.</p> <p>18 A. She gave me cash whenever I</p> <p>19 asked her, whenever she wanted to give me.</p> <p>20 Q. I think you testified that at</p> <p>21 times it would be 10 or \$15,000 in cash?</p> <p>22 A. I didn't say the amount. I'm</p> <p>23 not sure the amount. I don't want to</p> <p>24 quote an exact amount. I don't know. I</p> <p>25 don't remember.</p> <p style="text-align: right;">Page 230</p>	<p>1 K. MIKHAYLOVA</p> <p>2 something to you saying that it was, in</p> <p>3 fact, a problem?</p> <p>4 A. Yes.</p> <p>5 Q. Then you say I will no longer do</p> <p>6 this?</p> <p>7 A. Yes.</p> <p>8 Q. And then this is a true</p> <p>9 statement, I was not forced to write it.</p> <p>10 Is there anything in your statement that</p> <p>11 is inaccurate?</p> <p>12 A. No. Besides that it was a true</p> <p>13 statement and they asked me a statement.</p> <p>14 Q. How is that inaccurate?</p> <p>15 A. They forced me to write it.</p> <p>16 Q. How did they force you to write?</p> <p>17 A. They told me I have to write it,</p> <p>18 that I have to make a statement.</p> <p>19 Q. How did that force you to write</p> <p>20 it if you did not want to?</p> <p>21 A. I didn't want to write. They</p> <p>22 told me I have to write a statement.</p> <p>23 Q. I mean there was no physical --</p> <p>24 A. Union rep offered to me that I</p> <p>25 was entitled to have these kind of things.</p> <p style="text-align: right;">Page 232</p>
<p>1 K. MIKHAYLOVA</p> <p>2 Q. Do you have any documentation</p> <p>3 that will tell you how much money your</p> <p>4 grandmother gave you?</p> <p>5 A. No.</p> <p>6 Q. Did you ever put the money in</p> <p>7 the bank?</p> <p>8 A. I don't recall. I might have</p> <p>9 but I can't be -- I can't give you a</p> <p>10 definitive answer.</p> <p>11 Q. You said the purchases were all</p> <p>12 for yourself for gifts. You said I was</p> <p>13 shipping to various friends and family out</p> <p>14 of state to avoid New York State taxes.</p> <p>15 You were shipping a lot of items so you</p> <p>16 sent to different people not to</p> <p>17 inconvenience anybody.</p> <p>18 A. Sure.</p> <p>19 Q. Then you say that you now know</p> <p>20 it is problem to ship things out of state</p> <p>21 to avoid taxes. I am assuming that is</p> <p>22 what Chris Castellani said or Shanine?</p> <p>23 A. That's something I said because</p> <p>24 I didn't know that it was a problem.</p> <p>25 Q. I mean I assume they said</p> <p style="text-align: right;">Page 231</p>	<p>1 K. MIKHAYLOVA</p> <p>2 It was never brought up. It was never</p> <p>3 offered.</p> <p>4 Q. But the actual content of the</p> <p>5 document is true?</p> <p>6 A. Yes.</p> <p>7 Q. Is that your signature on Bates</p> <p>8 1895?</p> <p>9 A. Yes.</p> <p>10 Q. And Shanine Gray signed as the</p> <p>11 witness?</p> <p>12 A. Correct.</p> <p>13 Q. Did Chris say anything or</p> <p>14 Shanine during the course of this</p> <p>15 conversation that you were investigating</p> <p>16 your conduct as an employee discount</p> <p>17 abuse?</p> <p>18 A. I don't remember.</p> <p>19 Q. Couple of times today we have</p> <p>20 been talking about, this is going to be</p> <p>21 Exhibit Z, 1456.</p> <p>22 (Whereupon, Bates 1456 was</p> <p>23 marked as Defendant's Exhibit Z for</p> <p>24 identification as of this date.)</p> <p>25 Q. At some point the director of</p> <p style="text-align: right;">Page 233</p>

<p>1 K. MIKHAYLOVA</p> <p>2 fraud, Eric Rainsberg, sent an e-mail and</p> <p>3 he is talking about associates 72061886.</p> <p>4 That would be you, correct?</p> <p>5 MS. MENDOZA: Objection.</p> <p>6 You can answer.</p> <p>7 A. I'm not sure if that's my</p> <p>8 number. I don't know who that i.</p> <p>9 Q. Then he puts in parenthesis</p> <p>10 Kristina Mikhaylova Chanel Handbags?</p> <p>11 A. That's me.</p> <p>12 Q. Is a runaway top loss associate</p> <p>13 with \$90,000 in loss in January February</p> <p>14 alone. I think you said you are not</p> <p>15 aware of that number but how much --</p> <p>16 A. I wasn't aware of the number but</p> <p>17 I knew it was a big amount and when Chris</p> <p>18 Castellani got me in the office, we</p> <p>19 discussed that.</p> <p>20 Q. Did you have any understanding</p> <p>21 or reason as to why you would have such a</p> <p>22 high fraud send number?</p> <p>23 A. We already discussed. It was in</p> <p>24 regards to that send Texas. That was the</p> <p>25 number that I brought to their attention</p> <p>Page 234</p>	<p>1 K. MIKHAYLOVA</p> <p>2 talks about, once again, this is an</p> <p>3 internal e-mail with loss prevention</p> <p>4 talking about the fraud store sends. And</p> <p>5 there were three employees that totaled</p> <p>6 the most, 35 percent of the whole store.</p> <p>7 Yours was 90,000 and the closest to you is</p> <p>8 27,000. Once again, I know you had the</p> <p>9 issue in Texas but other than that, do you</p> <p>10 have any reason to explain why your fraud</p> <p>11 send would be so high other than what --</p> <p>12 A. No --</p> <p>13 MS. MENDOZA: Objection. You</p> <p>14 can answer.</p> <p>15 A. Sorry. Every cent I had, I</p> <p>16 followed the store's protocol and I did</p> <p>17 what they allowed me to do. I did not do</p> <p>18 anything that was inputting cards or not</p> <p>19 getting anything verified. Whatever they</p> <p>20 said is fraud and they are saying it is,</p> <p>21 it is what it is but it was all under</p> <p>22 things that I got approved for. I do not</p> <p>23 know these people. These were things they</p> <p>24 were calling the store and asking for</p> <p>25 order. I was fulfilling the orders and</p> <p>Page 236</p>
<p>1 K. MIKHAYLOVA</p> <p>2 before they even questioned me. And told</p> <p>3 me to continue to do so. So I continued</p> <p>4 to do so. I followed the company's</p> <p>5 protocol to shipping and billing that was</p> <p>6 the same and I was allowed to do so. So,</p> <p>7 that was the same thing.</p> <p>8 Q. Do you know you sent to Texas</p> <p>9 total of \$90,000. Do you know?</p> <p>10 MS. MENDOZA: Objection. You</p> <p>11 can answer.</p> <p>12 A. I don't know.</p> <p>13 MS. MENDOZA: Just to be clear</p> <p>14 on that exhibit, I think it said 90</p> <p>15 million.</p> <p>16 MS. MENDOZA: Thank you.</p> <p>17 MS. TIERNEY: That's 90k. That</p> <p>18 is the appropriate for thousand in</p> <p>19 this context.</p> <p>20 MS. MENDOZA: Thank you.</p> <p>21 Q. I am going to mark this as AA.</p> <p>22 (Whereupon, Bates 1462 and 1463</p> <p>23 was marked as Defendant's Exhibit AA</p> <p>24 for identification as of this date.)</p> <p>25 Q. This is 1462 and 1463. This</p> <p>Page 235</p>	<p>1 K. MIKHAYLOVA</p> <p>2 they were allowing me to do so. If I was</p> <p>3 not allowed to send, then I would not and</p> <p>4 I did not send any orders that I was not</p> <p>5 allowed to send.</p> <p>6 Q. Exhibit AA 1462. It talks about</p> <p>7 associate 72061886 which is your number is</p> <p>8 the highest fraud store send associate in</p> <p>9 all of Macy's, Inc. for 2017. Did Chris</p> <p>10 Castellani tell you that?</p> <p>11 A. No, he did not. All these sends</p> <p>12 were the sends to Texas that I made them</p> <p>13 aware of. He just discussed with me in</p> <p>14 regard to this and said that he would</p> <p>15 finish the investigation. I said okay.</p> <p>16 And at that point, I don't recall who I</p> <p>17 spoke to him. But when I spoke to him at</p> <p>18 that point, I made aware them of that</p> <p>19 situation and they were actually there.</p> <p>20 He asked them and they said I did. And I</p> <p>21 remember clearly and they said I did come</p> <p>22 up to them in regard to that.</p> <p>23 Q. You do understand why they would</p> <p>24 want to talk to you if your frauds were</p> <p>25 that high?</p> <p>Page 237</p>

<p>1 K. MIKHAYLOVA</p> <p>2 A. Yes. Absolutely.</p> <p>3 Q. Exhibit BB is going to be 1507</p> <p>4 exhibit.</p> <p>5 (Whereupon, Bates 1507 was</p> <p>6 marked as Defendant's Exhibit BB for</p> <p>7 identification as of this date.)</p> <p>8 Q. Chris Castellani is talking to</p> <p>9 HR to Tinbite Yonas. They were going to</p> <p>10 speak to you that afternoon on discount</p> <p>11 abuse, this was June 6, and potential</p> <p>12 diverter activity. Then he talked about</p> <p>13 the previous conversation with you.</p> <p>14 During the interview and followup it</p> <p>15 appears she, you, followed policy and</p> <p>16 procedure around the memo order process.</p> <p>17 That was your understanding as well?</p> <p>18 A. I always followed the procedure</p> <p>19 other than memo and order process, always.</p> <p>20 I always called security if I thought</p> <p>21 something did not sound right, I always</p> <p>22 went through them. And they are aware of</p> <p>23 that.</p> <p>24 Q. CC is going to be 1510.</p> <p>25 (Whereupon, Bates 1522 to 1523</p> <p>Page 238</p>	<p>1 K. MIKHAYLOVA</p> <p>2 didn't discuss the numbers.</p> <p>3 Q. Does that sound right or does</p> <p>4 that sound high to you? What he says is,</p> <p>5 question about the transaction. Wait a</p> <p>6 minute. He said 26 total transactions</p> <p>7 some containing multiple items from</p> <p>8 10/7/16 to 4/21/17 to those six addresses?</p> <p>9 A. That might be correct.</p> <p>10 Q. You have no basis to challenge</p> <p>11 that; is that correct?</p> <p>12 A. I mean, if that's what he says</p> <p>13 -- I mean, I can't confirm it is exactly</p> <p>14 26 but it sounds about right.</p> <p>15 (Whereupon, Bates 1531 was</p> <p>16 marked as Defendant's Exhibit DD for</p> <p>17 identification as of this date.)</p> <p>18 Q. This which is Exhibit DD is</p> <p>19 1531. This appears to be the e-mail that</p> <p>20 you sent to Richard Law on June 8th; is</p> <p>21 that correct?</p> <p>22 A. Yes.</p> <p>23 Q. And then at the very end, I</p> <p>24 would like to know how long my suspension</p> <p>25 is because I am pregnant. Did anyone tell</p> <p>Page 240</p>
<p>1 K. MIKHAYLOVA</p> <p>2 was marked as Defendant's Exhibit CC</p> <p>3 for identification as of this date.)</p> <p>4 Q. This is just a copy of your</p> <p>5 statement so I am going to withdraw that.</p> <p>6 A. Okay.</p> <p>7 Q. CC will be 1522 to 1523. These</p> <p>8 are internal e-mails that were going back</p> <p>9 and forth to Richard Law from Chris</p> <p>10 Castellani. He said you shipped 26</p> <p>11 purchases to six different addresses, five</p> <p>12 in New Hampshire and one in Mississippi.</p> <p>13 That cost a total tax evasion of almost</p> <p>14 \$6,000. Did he convey that to you in the</p> <p>15 course of your interview what the amount</p> <p>16 was?</p> <p>17 A. No.</p> <p>18 Q. Did you realize that in those</p> <p>19 six addresses you sent 26 transactions</p> <p>20 some were multiple items which is what</p> <p>21 Castellani says to Richard Law?</p> <p>22 A. I'm sorry. What was the</p> <p>23 question? Did I --</p> <p>24 Q. That there were 26 packages.</p> <p>25 A. I didn't know the numbers. We</p> <p>Page 239</p>	<p>1 K. MIKHAYLOVA</p> <p>2 you to put that in your e-mail?</p> <p>3 A. No.</p> <p>4 Q. Had you spoken to Richard Law</p> <p>5 before the conversation where you were</p> <p>6 suspended and told to contact him before</p> <p>7 returning to work?</p> <p>8 A. No.</p> <p>9 Q. Had you ever met Richard Law?</p> <p>10 A. Yes.</p> <p>11 Q. When?</p> <p>12 A. During my employment there.</p> <p>13 During my employment at Bloomingdale's.</p> <p>14 Q. On the floor or --</p> <p>15 A. I have seen him around. I don't</p> <p>16 recall having any conversations with him</p> <p>17 prior to this whole situation.</p> <p>18 Q. Do you know if he saw you in the</p> <p>19 months leading up to the termination?</p> <p>20 A. Yes. I have seen him a few</p> <p>21 times. I mean, he walks around. I just</p> <p>22 don't -- like, I didn't have a need to</p> <p>23 have a conversation with Richard.</p> <p>24 Q. He says in this e-mail to</p> <p>25 Tinbite and Chris, I spoke to Kristina and</p> <p>Page 241</p>

<p>1 K. MIKHAYLOVA</p> <p>2 informed her that she is still on</p> <p>3 suspension until further notice and that</p> <p>4 the investigation is not related to her</p> <p>5 medical condition. Did he, in fact, reach</p> <p>6 out to you and convey that conversation?</p> <p>7 A. No.</p> <p>8 Q. Do you remember if he sent you</p> <p>9 an e-mail or anything like that?</p> <p>10 A. I don't remember if he did or he</p> <p>11 did not. He called me after that e-mail</p> <p>12 and told me -- he called me but I don't</p> <p>13 remember the content of our conversation.</p> <p>14 He might have said the investigation is</p> <p>15 still pending and we will get back to you</p> <p>16 as soon as we know something.</p> <p>17 Q. I think we talked earlier about</p> <p>18 someone by the name of Angy Lee.</p> <p>19 A. Yes.</p> <p>20 Q. 1536 to 1543 is going to be</p> <p>21 Exhibit EE.</p> <p>22 (Whereupon, 1536 to 1543 was</p> <p>23 marked as Defendant's Exhibit EE for</p> <p>24 identification as of this date.)</p> <p>25 Q. Did you have much to do with</p> <p>Page 242</p>	<p>1 K. MIKHAYLOVA</p> <p>2 purchases to both to Yuyu Lai and the</p> <p>3 person at Boynton?</p> <p>4 A. Yes.</p> <p>5 Q. Was Crystal Lee the person who</p> <p>6 lived at Boynton?</p> <p>7 A. Could be, but I don't recall if</p> <p>8 that was her address for sure or not.</p> <p>9 Q. Do you know anybody by the name</p> <p>10 of Crystal Lee?</p> <p>11 A. I do know. I'm not sure if that</p> <p>12 was her address at the time is what I am</p> <p>13 saying. I know a lot of people in New</p> <p>14 Hampshire and Delaware.</p> <p>15 (Whereupon, Bates 1551 to 1557</p> <p>16 was marked as Defendant's Exhibit FF</p> <p>17 for identification as of this date.)</p> <p>18 Q. Exhibit FF is going to be 1551</p> <p>19 to 1557. Another member of the AP team,</p> <p>20 they are talking about Yuyu Lai and her</p> <p>21 South Willow Manchester address. It says</p> <p>22 she owns an X Closet Boston boutique in</p> <p>23 Boston which you said you were not aware</p> <p>24 of, right?</p> <p>25 A. Yes.</p> <p>Page 244</p>
<p>1 K. MIKHAYLOVA</p> <p>2 Angy Lee during your time in Chanel?</p> <p>3 A. She was my co-worker.</p> <p>4 Q. Did you know her very well? Did</p> <p>5 you socialize with her?</p> <p>6 A. I have socialized with her.</p> <p>7 Maybe not very well but I did socialize.</p> <p>8 Q. This is the investigation</p> <p>9 related to Ms. Lee. I think she is a</p> <p>10 woman, right?</p> <p>11 A. Yes.</p> <p>12 Q. She was sending her handbags to</p> <p>13 two addresses. One was Yuyu Lai at 373</p> <p>14 South Willow and that is a UPS store and</p> <p>15 it was also the address used by you. She</p> <p>16 was also sending to an address Boynton.</p> <p>17 That was the address we looked at</p> <p>18 previously?</p> <p>19 A. Yes.</p> <p>20 Q. You couldn't remember who you</p> <p>21 were sending to at that address?</p> <p>22 A. Correct. That was a friend of</p> <p>23 mine, but I don't remember who was staying</p> <p>24 there at that time.</p> <p>25 Q. You had Angy Lee send her</p> <p>Page 243</p>	<p>1 K. MIKHAYLOVA</p> <p>2 Q. Polagrains Pan America is also</p> <p>3 part of the reference which is the address</p> <p>4 you were using to her at 373 South Willow,</p> <p>5 right?</p> <p>6 A. Yes.</p> <p>7 Q. Then they talk about the various</p> <p>8 addresses people are using where they were</p> <p>9 sending stuff to the South Willow address.</p> <p>10 This is the reference I think to</p> <p>11 the licensing or the change in ownership</p> <p>12 of the Chanel Department, the handbags</p> <p>13 department. Do you recall when the</p> <p>14 licensing was going to take over?</p> <p>15 A. They didn't have a definite date</p> <p>16 when I was there but it was not there</p> <p>17 during my employment.</p> <p>18 Q. Now, something that really</p> <p>19 doesn't make sense in the context of your</p> <p>20 testimony is in Exhibit 1557, summary of</p> <p>21 the fraud and the theft. It says Angy Lee</p> <p>22 was interviewed and she admitted to</p> <p>23 selling Chanel handbags on a personal</p> <p>24 Bloomingdale's account to resellers. She</p> <p>25 implicated former Chanel handbag employee,</p> <p>Page 245</p>

1 K. MIKHAYLOVA
2 Kristina Mikhaylova, as a conduit to Yuyu
3 Lai, the owner of a high-end boutique in
4 Boston.
5 A. I never spoken to Angy Lee about
6 -- I don't even know what she is talking
7 about. If she testifies -- if you even
8 get her, she has no idea who Yuyu Lai is.
9 That's No. 1. No. 2 is I sent her items
10 there so she could avoid tax. Whatever
11 Angy did, unless she got her number some
12 other way, I don't recall her speaking to
13 Yuyu Lai or having any conversation with
14 Yuyu except for me giving her her personal
15 bag. So, I don't know what Angy wrote and
16 her statement is not true. Angy Lee only
17 bought like three to four bags that she
18 sent to her house.
19 (Whereupon, Bates 1571 was
20 marked as Defendant's Exhibit GG for
21 identification as of this date.)
22 Q. Looking at Exhibit GG which is
23 going to be 1571. This is part of the
24 investigation in the Angy Lee and they are
25 talking about a video on June 3rd. They

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1 K. MIKHAYLOVA
2 saw Lee ringing an associate when she
3 conducted a transaction for Kristina
4 Mikhaylova. During the transaction it was
5 for \$4,700. Mikhaylova wrote something on
6 a piece of paper and then handed the paper
7 to Lee. Lee took a picture of the paper
8 with her cellphone and expected a sale
9 send for the handbag. The merchandise was
10 sent to Yuyu Lai.
11 A. Huh-huh.
12 Q. And then it says Yuyu Lai is the
13 owner of a high-end boutique called X
14 Closet that sells Chanel handbags and
15 shoes which is not an authorized Chanel
16 handbags dealer. Do you recall any
17 episode that where you were writing
18 account number?
19 A. I don't remember this, me
20 writing anything to her. I just don't
21 remember.
22 Q. Do you know who Tyler Rose is?
23 A. He is an associate at Chanel.
24 Q. Did he ever send to any of your
25 buddies?

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1 K. MIKHAYLOVA
2 A. I don't think so. I don't
3 remember.
4 Q. We are going to have HH which is
5 1576.
6 (Whereupon, Bates 1576 was
7 marked as Defendant's Exhibit HH for
8 identification as of this date.)
9 Q. I will represent this is part of
10 the investigation into Tyler Rose. It
11 looks like according to the investigation
12 he shipped his personal Chanel handbag to
13 New Hampshire where shipping fee was
14 waived. He shipped to Yuyu Lai at 373
15 South Willow Street at New Hampshire which
16 is the same one that you used.
17 A. Did he use it like one time --
18 maybe he used it one time but it was his
19 item. I don't remember giving him the
20 address. I mean if I did, I might have
21 gave it to him. It was definitely an item
22 for him.
23 Q. How about Martha Way? Did you
24 give it to her too?
25 A. Yes, I did.

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1 K. MIKHAYLOVA
2 Q. On this counter to avoid taxes
3 at least --
4 A. She bought it for yourself. She
5 didn't want to pay tax. That was the only
6 people I knew at that time. Whoever was
7 available, I gave her the address.
8 Q. You gave Angy Lee, Martha Way,
9 and Tyler Rose --
10 A. They have only shipped it a few
11 times. I know Angy shipped couple of
12 times. Tyler, I don't recall. If he did,
13 it might have been one time.
14 MS. TIERNEY: Kristina, let
15 counsel ask the question.
16 THE WITNESS: Okay.
17 Q. All those people who were
18 sending to Yuyu Lai avoiding taxes, would
19 you now have learned at least through your
20 own interview that this is an
21 inappropriate policy at Bloomingdale's --
22 A. Correct. I did not know that
23 was something illegal at that time. Like
24 I said, we weren't the only ones.
25 Everybody was shipping. It was a known

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1 K. MIKHAYLOVA
 2 habit to have in Bloomingdale's.
 3 Q. And your testimony is Yuyu Lai
 4 just accepted all these packages --
 5 A. Yes.
 6 Q. This is going to be 1579 to
 7 1580, II.
 8 (Whereupon, Bates 1579 to 1580
 9 was marked as Defendant's Exhibit II
 10 for identification as of this date.)
 11 Q. I know you said you didn't think
 12 Yuyu Lai had a clothing store. And this
 13 is --
 14 A. But I really don't know if we
 15 are talking about same Yuyu. There is a
 16 lot of Yuyu Lais. This is my whole thing.
 17 You are linking me with that girl with X
 18 Closet. Did you even see my merchandise
 19 in her store? I don't know who this
 20 person is with this -- this is probably --
 21 I have Boston in my head because you guys
 22 mentioned it to me. I don't know who Yuyu
 23 Lai is and that girl you sent me the
 24 picture of is not the same Yuyu Lai that I
 25 know.

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1 K. MIKHAYLOVA
 2 Q. At least to your knowledge it is
 3 not the same place?
 4 A. No, it is not. It is not. You
 5 guys assuming it is but it is not.
 6 Q. But your colleague, Angy Lee,
 7 has admitted to selling to Yuyu?
 8 A. But how can Angy Lee admit it
 9 when she has never even had a conversation
 10 with Yuyu. She doesn't even know who Yuyu
 11 is. Why don't you ask her has she ever
 12 had a conversation with Yuyu Lai and see
 13 what she says? She never had a
 14 conversation with her. Search her phone
 15 records. She never had -- she is my
 16 friend that I was doing a favor for Angy
 17 Lee so how does Angy know who this woman.
 18 She doesn't.
 19 And Angy got -- from what I
 20 known Angy got in trouble for something
 21 else and you guys threw this,
 22 Bloomingdale's threw this into the mix.
 23 This has nothing to do with -- Angy has
 24 never had a conversation with Yuyu Lai
 25 ever. I was doing a favor.

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1 K. MIKHAYLOVA
 2 Q. Ma'am, don't go into tirades.
 3 We need to get this done.
 4 Exhibit JJ is Bates No. 1589.
 5 (Whereupon, Bates 1589 was
 6 marked as Defendant's Exhibit JJ for
 7 identification as of this date.)
 8 Q. This is a list of sends. You
 9 can tell how many were sent to Yuyu Lai.
 10 There are some that are not you and then
 11 there is Angy Lee, Rose, Way. Do you have
 12 any reason to doubt that all of these
 13 transactions were sent to Yuyu Lai? Do
 14 you have any reason to doubt that
 15 information?
 16 A. I don't believe so.
 17 Q. Even if your Yuyu Lai is not the
 18 same one that has the Boston boutique, do
 19 you have any reason to doubt that loss
 20 prevention were the same --
 21 A. I had no idea that there is even
 22 a Yuyu Lai at Boston.
 23 Q. Do you have any reason to doubt
 24 that at least loss prevention asset
 25 protection believe that they were related,

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1 K. MIKHAYLOVA
 2 any facts to dispute that?
 3 A. I don't have any facts. I don't
 4 understand the question to be honest. I
 5 don't --
 6 Q. Let me try again.
 7 A. Yes.
 8 Q. Is there any reason, even if you
 9 are right and let's say there are two Yuyu
 10 Lais that are not related, and I don't buy
 11 that for a second just for the record.
 12 Let's assume that they are different. Do
 13 you have any facts to believe that loss
 14 prevention did not truly believe that they
 15 were related?
 16 MS. MENDOZA: Objection.
 17 You can answer.
 18 A. I can't answer that because I
 19 have no idea what they believe.
 20 Q. And that's my point. You have
 21 no idea whether they did or did not
 22 believe it, correct?
 23 A. Yeah, I have no idea.
 24 Q. I will take that.
 25 Did you have a lot of contact

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<p>1 K. MIKHAYLOVA</p> <p>2 with Idress?</p> <p>3 A. With who?</p> <p>4 Q. Idress; I-D-R-E-S-S, O-R-Y-A.</p> <p>5 A. Yes, he was a co-worker.</p> <p>6 Q. Was he someone that you spoke</p> <p>7 to lot on the phone, was he a social</p> <p>8 friend, what was your relationship with</p> <p>9 Idress?</p> <p>10 A. He was a friend. Not someone</p> <p>11 that I spoke to a lot, but someone I knew</p> <p>12 at work.</p> <p>13 Q. Did he ever send to Yuyu Lai?</p> <p>14 A. I believe Idress did.</p> <p>15 MS. TIERNEY: I think I am</p> <p>16 almost done. Let's take a five minute</p> <p>17 break. Let me chat with Steve if</p> <p>18 that's okay with you.</p> <p>19 MS. MENDOZA: Yes.</p> <p>20 (Whereupon, a short recess was</p> <p>21 taken.)</p> <p>22 MS. TIERNEY: Back on the</p> <p>23 record.</p> <p>24 Q. I know we talked about the issue</p> <p>25 with the sales tax. You sent us</p> <p>Page 254</p>	<p>1 K. MIKHAYLOVA</p> <p>2 MS. MENDOZA: Objection. You</p> <p>3 can answer.</p> <p>4 A. Me and everybody that else that</p> <p>5 purchased at Bloomingdale's, yes, clients</p> <p>6 and co-workers.</p> <p>7 Q. But right now we are talking</p> <p>8 about you, correct?</p> <p>9 A. Correct.</p> <p>10 Q. To the extent that your friends</p> <p>11 or co-workers actually knew anything about</p> <p>12 Yuyu Lai or knew there was an opportunity</p> <p>13 that they can send items and avoid taxes,</p> <p>14 the only way they knew about that was</p> <p>15 because you told them about that and gave</p> <p>16 them the information, right?</p> <p>17 A. That was their decision whether</p> <p>18 or not to send.</p> <p>19 Q. The reason they were able to do</p> <p>20 is because you gave them the information,</p> <p>21 correct?</p> <p>22 A. Yes.</p> <p>23 MS. TIERNEY: I think that's</p> <p>24 everything I have.</p> <p>25 MS. MENDOZA: I don't have any</p> <p>Page 256</p>
<p>1 K. MIKHAYLOVA</p> <p>2 information to these products to avoid</p> <p>3 sales tax but you understand that if you</p> <p>4 purchased these items at the store and</p> <p>5 taken them home, there would have been</p> <p>6 sales tax to the State of New York,</p> <p>7 federal tax, right? Do you understand</p> <p>8 that?</p> <p>9 A. Yes.</p> <p>10 Q. And you understand that any time</p> <p>11 you make a purchase like that, the</p> <p>12 government is entitled to its share and by</p> <p>13 doing this you have actually cheated the</p> <p>14 state and the fed out of moneys that are</p> <p>15 actually due to them. Do you understand</p> <p>16 that?</p> <p>17 MS. MENDOZA: Objection.</p> <p>18 You can answer.</p> <p>19 Q. I meant the city and state. You</p> <p>20 understand that the city and state are</p> <p>21 entitled to moneys from the purchases that</p> <p>22 you made and that by you sending these</p> <p>23 transactions out of state, you have denied</p> <p>24 the city and the state moneys that they</p> <p>25 would be otherwise be entitled, right?</p> <p>Page 255</p>	<p>1 K. MIKHAYLOVA</p> <p>2 questions.</p> <p>3 MS. TIERNEY: Ms. Mikhaylova,</p> <p>4 thank you for your time today. I</p> <p>5 appreciate your patience and</p> <p>6 cooperation.</p> <p>7 MS. MENDOZA: Sorry about the</p> <p>8 technical difficulties. Thank you.</p> <p>9 MS. MENDOZA: Thank you.</p> <p>10</p> <p>11 [TIME NOTED: 4:22 p.m.]</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Page 257</p>

<p>1 INDEX</p> <p>2</p> <p>3 WITNESS EXAMINATION BY PAGE</p> <p>4 KRISTINA MIKHAYLOVA MS. TIERNEY 5</p> <p>5</p> <p>6 EXHIBITS</p> <p>7 DEFENDANT'S DESCRIPTION PAGE</p> <p>8 Exhibit A Document 2056 to 2079 115</p> <p>9 Exhibit B Compliant 147</p> <p>10 Exhibit C Bates 348 to 350 157</p> <p>11 Exhibit D Bates 343 to 346 160</p> <p>12 Exhibit E Bates 301 165</p> <p>13 Exhibit F Bates 311 166</p> <p>14 Exhibit G Bates 315 to 318 167</p> <p>15 Exhibit H Bates 335 168</p> <p>16 Exhibit I Rule 26A disclosure 172</p> <p>17 Exhibit J interrogatory responses 185</p> <p>18 Exhibit K response to request for 189</p> <p>19 admission</p> <p>20 Exhibit L Bates 298 193</p> <p>21 Exhibit M Bates 379 to 380 195</p> <p>22 Exhibit N Bates 297 206</p> <p>23 Exhibit O Bates 821 to 823 208</p> <p>24 Exhibit P Bates 1021 to 1086 209</p> <p>25 Exhibit Q Bates 1087, 1088 211</p> <p>INDEX CONTINUED</p> <p>Page 258</p>	<p>1 CERTIFICATION</p> <p>2</p> <p>3 I, DIKILA T. BHUTIA, a Notary Public for</p> <p>4 and within the State of New York, do</p> <p>5 hereby certify:</p> <p>6 That the witness whose testimony as</p> <p>7 herein set forth, was duly sworn by me;</p> <p>8 and that the within transcript is a true</p> <p>9 record of the testimony given by said</p> <p>10 witness.</p> <p>11 I further certify that I am not related</p> <p>12 to any of the parties to this action by</p> <p>13 blood or marriage, and that I am in no way</p> <p>14 interested in the outcome of this matter.</p> <p>15 I  I have hereunto set</p> <p>16 r arch, 2022.</p> <p>17</p> <p>18 DIKILA T. BHUTIA</p> <p>19</p> <p>20</p> <p>21 * * *</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Page 260</p>
<p>1 INDEX</p> <p>2</p> <p>3 DEFENDANT'S DESCRIPTION PAGE</p> <p>4 Exhibit R Bates 1098 to 1110 212</p> <p>5 Exhibit S Mikhaylova 171 to 175 214</p> <p>6 Exhibit T Mikhaylova 176 217</p> <p>7 Exhibit U Mikhaylova 187 219</p> <p>8 Exhibit V Mikhaylova 195 to 196 220</p> <p>9 Exhibit W Mikhaylova 197 to 201 221</p> <p>10 Exhibit X Mikhaylova 213 to 216 225</p> <p>11 Exhibit Y Document 1894 to 1600 228</p> <p>12 Exhibit Z Bates 1456 233</p> <p>13 Exhibit AA Bates 1462 and 1463 235</p> <p>14 Exhibit BB Bates 1507 238</p> <p>15 Exhibit CC Bates 1522 to 1523 239</p> <p>16 Exhibit DD Bates 1531 240</p> <p>17 Exhibit EE Bates 1536 to 1543 242</p> <p>18 Exhibit FF Bates 1551 to 1557 244</p> <p>19 Exhibit GG Bates 1571 246</p> <p>20 Exhibit HH Bates 1576 248</p> <p>21 Exhibit II Bates 1579 to 1580 250</p> <p>22 Attorney has retained all exhibits.</p> <p>23</p> <p>24 REQUESTS</p> <p>25 PAGE LINE</p> <p>171 4</p> <p>Page 259</p>	<p>1 MELISSA MENDOZA, ESQ.</p> <p>2 melissa@dereksmithlaw.com</p> <p>3 March 17, 2022</p> <p>4 RE: Mikhaylova, Kristina vs. Bloomingdale's Inc</p> <p>5 March 8, 2022, Kristina Mikhaylova, 5084339</p> <p>6 The above-referenced transcript has been</p> <p>7 completed by Veritext Legal Solutions and</p> <p>8 review of the transcript is being handled as follows:</p> <p>9 __ Per CA State Code (CCP 2025.520 (a)-(e)) – Contact Veritext</p> <p>10 to schedule a time to review the original transcript at</p> <p>11 a Veritext office.</p> <p>12 __ Per CA State Code (CCP 2025.520 (a)-(e)) – Locked .PDF</p> <p>13 Transcript - The witness should review the transcript and</p> <p>14 make any necessary corrections on the errata pages included</p> <p>15 below, notating the page and line number of the corrections.</p> <p>16 The witness should then sign and date the errata and penalty</p> <p>17 of perjury pages and return the completed pages to all</p> <p>18 appearing counsel within the period of time determined at</p> <p>19 the deposition or provided by the Code of Civil Procedure.</p> <p>20 __ Waiving the CA Code of Civil Procedure per Stipulation of</p> <p>21 Counsel - Original transcript to be released for signature</p> <p>22 as determined at the deposition.</p> <p>23 __ Signature Waived – Reading & Signature was waived at the</p> <p>24 time of the deposition.</p> <p>25</p> <p>Page 261</p>

<p>1 _X_ Federal R&S Requested (FRCP 30(e)(1)(B)) – Locked .PDF</p> <p>2 Transcript - The witness should review the transcript and</p> <p>3 make any necessary corrections on the errata pages included</p> <p>4 below, notating the page and line number of the corrections.</p> <p>5 The witness should then sign and date the errata and penalty</p> <p>6 of perjury pages and return the completed pages to all</p> <p>7 appearing counsel within the period of time determined at</p> <p>8 the deposition or provided by the Federal Rules.</p> <p>9 __ Federal R&S Not Requested - Reading & Signature was not</p> <p>10 requested before the completion of the deposition.</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Page 262</p>	<p>1 Mikhaylova, Kristina v. Bloomingdale's Inc</p> <p>2 Kristina Mikhaylova (#5084339)</p> <p>3 ACKNOWLEDGEMENT OF DEPONENT</p> <p>4 I, Kristina Mikhaylova, do hereby declare that I</p> <p>5 have read the foregoing transcript, I have made any</p> <p>6 corrections, additions, or changes I deemed necessary as</p> <p>7 noted above to be appended hereto, and that the same is</p> <p>8 a true, correct and complete transcript of the testimony</p> <p>9 given by me.</p> <p>10</p> <p>11 _____</p> <p>12 Kristina Mikhaylova Date</p> <p>13 *If notary is required</p> <p>14 SUBSCRIBED AND SWORN TO BEFORE ME THIS</p> <p>15 _____ DAY OF _____, 20__.</p> <p>16</p> <p>17</p> <p>18 _____</p> <p>19 NOTARY PUBLIC</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Page 264</p>
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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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